

**NOTICE OF A WORK SESSION WITH STAFF,
PUBLIC HEARINGS AND A REGULAR MEETING OF
THE VINEYARD TOWN COUNCIL
June 10, 2015 at 6:00 pm**

Public Notice is hereby given that the Vineyard Town Council will hold a Work Session with Staff starting at 6:00 pm (Council is not required to attend), Public Hearings and a Regular Meeting starting at 7:00 pm, on Wednesday, June 10, 2015, in the Vineyard Town Hall; 240 East Gammon Road, Vineyard, Utah. The agenda will consist of the following:

AGENDA

6:00 PM WORK SESSION WITH STAFF

7:00 PM REGULAR SESSION

1. CALL TO ORDER/PRAYER

2. CONSENT ITEMS:

- a) Approval of Minutes for April 22, 2015
- b) Approval of Minutes for May 13, 2015

3. PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL: Planning Commission Chair Wayne Holdaway

4. STAFF REPORT

- Public Works Director /Engineer– Don Overson
- Attorney – David Church
- Utah County Sheriff Department – Collin Gordon
- Planner – Nathan Crane
- Treasurer – Jacob McHargue
- Town Clerk/Recorder – Pamela Spencer

5. COUNCILMEMBERS' REPORTS

Nate Riley – Mayor Pro-tem April – June

- Economic Advisory Committee
- Utah Lake Technical Committee

Dale Goodman – Mayor Pro-tem July – September

- Public works – Park/Trails/Roads/Buildings
- Planning and Zoning

Julie Fullmer – Mayor Pro-tem October - December

- Youth Council
- Branding Committee
- Town Special Events
- Orem Community Hospital Board

Sean Fernandez – Mayor Pro-tem January – March

- Timpanogos Special Service District - Board Member
- ULCT Legislative Policy Committee

6. MAYOR'S REPORT

- North Pointe Solid Waste Special Service District - Board Member
- Mountainland Association of Governments
- Council of Governments
- Utah Lake Commission
- Economic Development Corporation Utah
- Meetings with Orem

7. OPEN SESSION: Citizen's Comments (Please see note below)

(15 minutes)

8. BUSINESS ITEMS:

8.1 DISCUSSION AND ACTION – Revised Municipal Code (Ordinance #)

(10 minutes)

Attorney David Church will present the revised Municipal Code. This item was postponed from the May 13, 2015 meeting. The Mayor and Town Council will take appropriate action.

8.2 PUBLIC HEARING – Final Budget for Fiscal Year 2015-2016 (Resolution #)

The Town Council will hear public comment concerning the final budget for fiscal year 2015-2016. The Tentative Budget was presented on May 13 2015. The proposed budget was also discussed as an agenda item during the March 25, 2015 Town Council meeting. The Mayor and Town Council will act to approve by resolution the Final Budget for fiscal year 2015-2016, to set to the certified property tax rate for 2015-2016, and adjust the utility rates.

8.3 DISCUSSION AND ACTION – Lake Park Subdivision Preliminary and Final Plat Approval

(10 minutes)

Orem City is seeking preliminary and final approval of their Subdivision Plat located at 1908 W. 400 S. Proposed lot 1 has an existing single family home, and is on 0.345 Acres. Proposed lot 2 is on 1.33 Acres, and will eventually be soccer fields for the neighboring park.

8.4 PUBLIC HEARING – Amendment to the WatersEdge Zoning Ordinance (Ordinance #)

The applicant is requesting to make the following amendments to the WatersEdge zoning ordinance. The requests are as follows:

- To adjust table 2.1 to remove the regulation "1.5 times the lot width" and replace it with "100 Feet" specifically relating to SFD: 54, 65, 8, 10, 15, and 20.
- To change the side yard setbacks in planning areas with 8,000 and 10,000 square foot lots from 18' combined yard setbacks with an 8' minimum, to 14' combined yard setbacks with a 6' minimum. The Mayor and Town Council will take appropriate action.

8.5 DISCUSSION AND ACTION – WatersEdge Phase 2 Subdivision Plat

(10 minutes)

Applicant is seeking approval of their preliminary subdivision application. This property is designated as Low Density Residential in the WatersEdge Zoning District. The Mayor and Town Council will take appropriate action.

8.6 DISCUSSION AND ACTION – Sleepy Ridge Subdivision Traffic Calming

(15 minutes)

The Mayor and Town Council will discuss the Traffic Calming concerns within the Sleepy Ridge Subdivision. The Mayor and Town Council will take appropriate action.

9. ITEMS REQUESTED FOR NEXT AGENDA

10. CLOSED SESSION

The Mayor and Town Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of:

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property
- (e) strategy sessions to discuss the sale of real property

11. ADJOURNMENT

This meeting may be held electronically to allow a councilmember to participate by teleconference.

Next regularly scheduled meeting is June 24, 2015

NOTE: “**Open Session**” is defined as time set aside for citizens to express their views. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action will **not** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

The Public is invited to participate in all Town Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Town Clerk at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for the Town of Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Daily Herald, posted at the Vineyard Town Hall, the Vineyard Town website, the Utah Public Notice website, delivered electronically to Town staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: June 9, 2015 at 6:15 PM

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer

P. SPENCER, TOWN CLERK/RECORDER

ORDINANCE NO. _____

**AN ORDINANCE REVISING, CODIFYING AND COMPILING THE GENERAL
ORDINANCES OF VINEYARD TOWN**

WHEREAS, Vineyard Town has the authority under Utah Code 10-3-707 to revise, codify and compile from time to time and to publish in book, pamphlet or looseleaf form the ordinances of the Town of a general and permanent character; and

WHEREAS, the Town has determined that publishing its ordinances of a general and permanent character in the form of a Town code will aid the public in knowing what the laws and ordinances of the Town are; and

WHEREAS, the Town has gone through a process of reviewing, revising, and compiling its ordinances of a general and permanent character.

NOW THEREFORE BE IT ORDAINED by the mayor and Town council of the Vineyard Town, as follows:

Section 1: From and after the date of passage of this ordinance, the Town code of Vineyard Town, Utah dated the ____ day of _____ 201__ a copy of which is attached hereto, containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the Town, is hereby adopted as the Town Code of the Town and shall be accepted in all courts without question as the official code and law of the Town as enacted by the mayor and Town council.

Section 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the official Town code is identified by the proper catchline and is inserted in the proper place in each of the official copies, one copy of which shall be maintained in the office of the Town Recorder, certified as to correctness and available for inspection at any and all times that said office is regularly open.

Section 3: All ordinances of a general nature included in this official Town code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official Town code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the Town code. Such ordinances are not intended to be included in the official Town code.

Section 4: It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby.

Section 5: All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 6: This ordinance and the code adopted by the same shall be recorded in the office of the Town Recorder and shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this _____ day of _____, ____.

Mayor

ATTEST:

Town Recorder

TITLE 1-000.

GENERAL PROVISIONS.

1-001. NAME OF CODE. The ordinances contained in this code and all ordinances of a general nature hereafter adopted and inserted herein and all amendments, additions and changes thereto shall be part of this code and shall be known and cited as the "Revised Ordinances of Vineyard Town "

1-002. REPEAL OF EXISTING ORDINANCES.

- A. So far as the provisions of these Revised Ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this Town heretofore in force, except such as are of a private, local or temporary nature including franchises, grants, dedications, bond issues, elections impact fee enactments and special levies for local assessments, hereby are repealed..
- B. The fees or charges established by the ordinances repealed by this code of revised ordinances shall remain in effect until subsequently changed by ordinance or resolution, except that the fees and charges established by this code of revised ordinances shall prevail in the event of a conflict.

1-003. EFFECT OF REPEALING ORDINANCES. The repeal of the ordinances as provided in section 1-002, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1-004. EFFECTIVE DATE. These Revised Ordinances shall become effective
June 10, 2015.

1-005. DEFINITION AND RULES OF CONSTRUCTION. In the construction of the ordinances of this Town, the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of these ordinances:

- A. *General rule.* All words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.

- B. *Gender - singular and plural.* Unless otherwise indicated from the context of the ordinance, all words used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender.
- C. *Person.* The term "person" includes all individuals both male and female, any governmental agency, corporation, partnership, association, company, and every other form of organization whether formed voluntarily or involuntarily.
- D. *Tenses.* The use of any verb in the present tense shall include the future and past tense when applicable.
- E. *Highway - Road.* The terms "highway" and "road" include public bridges, and may be equivalent to the words "county way," "county road," "common road," and "state road."
- F. *Street.* The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.
- G. *Business.* The term "business" includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this Town.
- H. *License.* The term "license" includes any certificate or license issued by this Town.
- I. *Property.* The term "property" includes both real and personal property.
- J. *Owner.* The term "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or leasee of a whole or part of such building or land.
- K. *Tenant - Occupant.* The term "tenant" or "occupant" applied to a building or land shall apply to any person who occupies all or any part of such building or land either alone or with others.
- L. *Reasonable time.* In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.
- M. *Time - how computed.* The time within which an act is to be done as provided in any ordinance or in any resolution or order of this Town, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a holiday, then the last day shall be the day next

following such Sunday or holiday which is not a Sunday or holiday. When time is expressed in hours, Sunday and all holidays shall be excluded.

- N. *Week.* The word "week" shall be construed to mean any seven-day period.
- O. *Location.* Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct, or offense prohibited or required shall be within the boundaries of this Town.
- P. *Chief of police, Town marshal, town marshal or marshal.* The terms "chief of police," "Town marshal," "town marshal" or "marshal" as used in this code all have the same meaning and may be used interchangeably and shall refer to the Utah County Sheriff's deputy assigned to work with the Town pursuant to the inter-local agreement between the town and Utah County Sheriff for police services. .
- Q. *Municipality or Town.* The words "municipality" or "Town" as used throughout this code means Vineyard Town.
- R. *Governing Body.* The word "governing body" as used throughout this code means the Town council of this Town.
- S. *Offense.* Offense means any act, action, or conduct prohibited by this code or the failure to perform any acts required in this code.
- T. *Officer or Officials.* The terms "officer" or "official" as used in this code mean any elected or appointed person employed by the Town unless the context clearly indicates otherwise.
- U. *Recorder.* The term "recorder" means the individual appointed to act as the Town Clerk/ recorder of the Town.

1-006. CAPTIONS. The captions in this code immediately preceding each section are intended as mere captions to indicate the content of the section and shall not be deemed or taken to be part of the sections.

1-007. SEVERABILITY. It is hereby declared to be the intention of the Town council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

1-008. NUMBERING ORDINANCES.

- A. The recorder shall, in so far as possible, assign all ordinances of a general nature adopted after these revised ordinances a number which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the date adopted.
- B. The recorder shall keep all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues impact fees and tax levies, in a separate book of "Special Ordinances" properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinance was adopted during the year.
- C. Failure to comply with this section shall not affect or render invalid any ordinance of this Town.

1-009. STATUTES OR CODES INCLUDED AND EXCLUDED. Any reference or citation to any statute shall not be interpreted or construed to include, incorporate or make the citation or statute part of this code unless the provisions of this code specifically include, incorporate, or make the citation or statute part of this code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on an order of the Town council.

CHAPTER 1-100. CONSTRUCTION OF PENALTIES.

PART 1-110. INTRODUCTORY PROVISIONS TO CONSTRUCTION OF CRIMES UNDER THIS CODE.

1-111. APPLICATION OF CODE - OFFENSE PRIOR TO EFFECTIVE DATE.

- A. The provision of this code shall govern the construction of, the punishment for, and the defense against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; if the offense was committed after the effective date of this code.
- B. Any offense committed prior to the effective date of this code shall be governed by the ordinances of this Town existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under this code shall be deemed to have any committed prior to the effective date of this code if any of the elements of the offense occurred prior to the effective date.

1-112. PURPOSES AND PRINCIPLES OF CONSTRUCTION. The provisions of this code shall be construed in accordance with these general purposes to:

- A. Forbid and prevent the commission of offenses.
- B. Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.
- C. Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.
- D. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

1-113. CRIMES ABOLISHED. No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

1-114. STRICT CONSTRUCTION RULE NOT APPLICABLE. The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this Town. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes of Section 1-112.

1-115. PROCEDURE - GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS LIABILITY FOR CIVIL DAMAGES NOT AFFECTED.

- A. Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code, but shall be in conformity with the laws of Utah and the Constitution of the United States.
- B. This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

PART 1-120. JURISDICTION AND VENUE.

1-121. JURISDICTION OF OFFENSES.

- A. A person is subject to prosecution in this Town for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:

1. The offense is committed either wholly or partly within the Town; or
 2. The conduct outside this Town constitutes an attempt within this Town; or
 3. The conduct outside this Town constitutes a conspiracy to commit an offense within this Town and an act in furtherance of the conspiracy occurs in this Town; or
 4. The conduct within the Town constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.
- B. An offense is committed partly within this Town if either the conduct which is an element of the offense, or the result which is such an element, occurs within this Town.
- C. An offense which is based on an omission to perform a duty imposed by this code is committed within this Town regardless of the location of the offender at the time of the omission.

PART 1-130. LIMITATION OF ACTIONS.

1-131. EMBEZZLEMENT OF PUBLIC MONEYS - FALSIFICATION OF PUBLIC RECORDS. A prosecution for embezzlement of public moneys or the falsification of public records may be commenced at any time.

1-132. MISDEMEANOR - ANY INFRACTION - COMMENCEMENT OF PROSECUTION.

- A. Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:
1. A prosecution for a misdemeanor must be commenced within two years after it is committed;
 2. A prosecution for any infraction must be commenced within one year after it is committed;
- B. The prosecution is commenced on the filing of a complaint or information.

1-133. FRAUD OR BREACH OF FIDUCIARY OBLIGATION - MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE. If the period prescribed in Section 1-132-A has expired, a prosecution may nevertheless be commenced for:

- A. Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and
- B. Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.

1-134. DEFENDANT OUT OF STATE. The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

1-135. LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATIONS HAS RUN. Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

PART 1-140. MULTIPLE PROSECUTION AND DOUBLE JEOPARDY - CRIMINAL JOINDER.

1-141. "SINGLE CRIMINAL EPISODE" DEFINED. In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective. Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

1-142. INCORPORATION BY REFERENCE OF PROVISIONS OF STATE CRIMINAL CODE. The provision of *Utah Code Annotated 1953*, Sections 76-1-402 through 76-1-405, are hereby adopted as part of this code and incorporated herein by reference.

1-143. JOINDER OF OFFENSES AND DEFENDANTS.

- A. Two or more offenses under this code or the ordinances of this Town may be charged in the same citation or complaint in a separate count for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.
- B. Two or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

PART 1-150. BURDEN OF PROOF.

1-151. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-1-501 through 76-1-504, are hereby adopted and incorporated herein by reference.

PART 1-160. DEFINITIONS.

1-161. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Section 76-1-601 is hereby adopted and incorporated herein by reference.

CHAPTER 1-200. PRINCIPLES OF CRIMINAL RESPONSIBILITY.

PART 1-210. CULPABILITY GENERALLY.

1-211. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Section 76-2-101 through 76-2-105, are hereby adopted and incorporated herein by reference.

PART 1-220. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER.

1-221. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-2-201 through 76-2-205, are hereby adopted as part of this code and incorporated herein by reference.

PART 1-230. DEFENSES TO CRIMINAL RESPONSIBILITY.

1-231. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-2-301 through 76-2-308, hereby are adopted as part of the code and incorporated herein by reference.

PART 1-240. JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY.

1-241. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-2-401 through 76-2-406, are hereby adopted and incorporated herein by reference.

CHAPTER 1-300. PUNISHMENTS.

PART 1-310. CLASSIFICATION OF OFFENSES.

1-311. SENTENCING IN ACCORDANCE WITH CHAPTER.

- A. A person adjudged guilty of an offense under this code or the ordinances of this Town shall be sentenced in accordance with the provisions of this chapter.
- B. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

1-312. DESIGNATION OF OFFENSES. Offenses are designated as misdemeanors or infractions.

1-313. MISDEMEANORS CLASSIFIED.

- A. Misdemeanors are classified into two categories:
 - 1. Class B misdemeanors.
 - 2. Class C misdemeanors.
- B. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or in an ordinance of this Town when no other specification as to punishment or category is made, is a class B misdemeanor.

1-314. INFRACTIONS.

- A. Infractions are not classified.
- B. Any offense which is made an infraction in this code or other ordinances of this Town or which is expressly designated an infraction and any offense designated by this code or other ordinances of this Town which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

1-315. CONTINUING VIOLATION. In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate

offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

PART 1-320. SENTENCING.

1-321. SENTENCES OR COMBINATION OF SENTENCES ALLOWED - CIVIL PENALTIES. Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- A. To pay a fine; or
- B. Reserved.
- C. To probation; or
- D. To imprisonment.

1-322. MISDEMEANOR CONVICTION - TERM OF IMPRISONMENT.

- A. In the case of a class B misdemeanor, for a term not exceeding six months;
- B. In the case of a class C misdemeanor, for a term not exceeding 90 days.

1-323. INFRACTION CONVICTION - FINE, FORFEITURE, AND DISQUALIFICATION.

- A. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.
- B. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

PART 1-330. FINES AND SPECIAL SANCTIONS.

1-331. FINES OF PERSONS. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed \$1000.00 when the conviction is of a class B or \$750.00 for a C misdemeanor or infraction.

1-332. FINES OF CORPORATIONS, ASSOCIATIONS, PARTERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the Town or for any offense defined outside of this code over which this Town has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the

court, not exceeding \$5000.00 when the conviction is for a class B or \$1,000 for a C misdemeanor or infraction.

PART 1-340. LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES.

1-341. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, 76-3-401 through 76-3-405, are hereby adopted and incorporated herein by reference, as such limitations and special provisions on sentences apply to misdemeanors.

CHAPTER 1-400. ADMINISTRATIVE REMEDIES.

PART 1-410. HEARINGS.

1-411. REQUEST. Unless otherwise specifically provided in any ordinance of the Town or any code adopted by reference, a hearing before the Town council may be requested by any person:

- A. Who is denied or refused a permit or license by any officer, agent or employee of this Town.
- B. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.

1-412. FORM OF REQUEST. The request for hearing must be made in writing to the mayor or recorder and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the license or permit is mailed by the Town to the applicant or license holder at his address as it appears on the application or license.

1-413. PROCEDURE.

- A. Following receipt of a request for hearing, the Town council shall inform the person requesting a hearing of the time and place the hearing is to be held.
- B. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the Town may produce to support its decision and to present his own evidence in support of his contention.
- C. The Town council shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the Town council.

1-414. NOT ADDITIONAL REMEDY. This part shall not be constructed so as to afford any aggrieved party more than one hearing before the Town council nor shall the hearing provided in this part apply to any criminal complaint or proceeding.

CHAPTER 1-500. NO CIVIL LIABILITY .

1-501. NO LIABILITY ON Town. None of the provisions of this code shall create any civil liability on the Town, its officers or employees whether or not the code imposes mandatory or directional duties and whether or not the Town, its officers or employees perform or do not perform such duties.

TITLE 2-000.

RESERVED

TITLE 3-000.

MUNICIPAL GOVERNMENT.

CHAPTER 3-100. THE GOVERNING BODY..

3-101. LEGISLATIVE AND EXECUTIVE POWERS. The Town is organized and shall function under the five member council form of parking as set forth in Part 4 of Chapter 3b of Title 10 of the Utah Code

CHAPTER 3-200. ELECTIONS OF GOVERNING BODY. Reserved

CHAPTER 3-300. MEETINGS, PROCEDURE AND CONDUCT - VOTING.

3-301. TIME, PLACE - EXCEPTIONS. The town council shall hold 2_ regular meeting(s) which shall be held on the second and fourth Wednesdays of each month at the offices of the Town, which meeting(s) shall begin promptly at 7_ o'clock p.m., during mountain standard time and at 7_ o'clock p.m., during mountain daylight time provided that:

- A. If the meeting date is a legal holiday, then the meeting shall be canceled.
- B. The town council may by resolution provide for a different time and place for holding regular meetings of the town council.

CHAPTER 3-400. PUBLIC MEETINGS, EXECUTIVE SESSIONS, RECORDS AND PUBLICATION PROCEDURE.

3-401. BUSINESS OF GOVERNING BODY CONDUCTED ONLY IN OPEN MEETING. See U.C.A. § 10-3-601 and 52-4-1.

TITLE 4-000.

ELECTIONS.

CHAPTER 4-100 CAMPAIGN FINANCE DISCLOSURE

(1) As used in this Chapter:

(a) "Reporting date" means ten days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

(b) "Reporting limit" means \$50.00.

(2) (a) (i) Each candidate for Vineyard Town municipal office who is not eliminated at a municipal primary election shall file with the Town Clerk a campaign finance statement: no later than seven days before the municipal general election; and no later than 30 days after the municipal general election.

(ii) Each candidate for municipal office, who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement no later than 30 days after the municipal primary election.

(b) (i) Each campaign finance statement under Subsection (2)(a) shall, except as provided in Subsection (2)(b)(ii):

(A) report all of the candidate's and party's itemized and total:

(I) campaign contributions, including in-kind and other nonmonetary contributions, as of the reporting date; and

(II) campaign expenditures as of the reporting date; and

(B) identify:

(I) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;

(II) the aggregate total of all contributions that individually do not exceed the reporting limit; and

(III) for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or

(ii) report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.

(3) The Town Clerk shall, at the time the candidate for municipal office files a declaration of candidacy and again 14 days before each municipal general election, notify the candidate in writing of:

(a) the provisions of this chapter governing the disclosure of campaign contributions and expenditures;

(b) the dates when the candidate's and the Party's campaign finance statement is required to be filed; and

(c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file

the required campaign finance statement when required.

(4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the Town Clerk shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed.

(5) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection (2)(a)(i)(A), the Town Clerk shall inform the appropriate election official who:

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection (5)(a), a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(6) A campaign finance statement required under this ordinance is considered filed if it is received in the City Recorder's office by 5 p.m. on the date that it is due.

(7)(a) A private party in interest may bring a civil action in district court to enforce the provisions of this ordinance.

(b) In a civil action under Subsection (7)(a), the court may award costs and attorney's fees to the prevailing party.

TITLE 5-000.

COURTS. Reserved

TITLE 6-000.

FINANCE AND TAXATION.

CHAPTER 6-100. UNIFORM FISCAL PROCEDURES ACT. See Sections 10-6-101 et. seq., Utah Code Annotated 1953.

CHAPTER 6-200. SALES AND USE TAX.

6-201. Title. This Chapter shall be known as the "Uniform Local Sales and Use Tax Chapter of the Vineyard Town Code."

6-202. Purpose.

(1) The Utah Legislature has authorized municipalities of the State of Utah to enact sales and use tax ordinances.

(2) It is the purpose of this Chapter to levy and impose a local option sales and use tax, and to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform with the requirements of the Uniform Local Sales and Use Tax Law of Utah, Chapter 9, Title 11 of the Utah Code.

6-203. Sales Tax.

(1) (a) There is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent (1%). An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer at the rate of one percent (1%) of the sales price of the property.

(b) For the purpose of this Chapter, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. If a retailer has no permanent place of business in the state, or has more than one (1) place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission. Public utilities as defined by Title 54 of the Utah Code, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the municipality shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

(2) (a) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code, as amended, and in force and effect on the effective date of this Chapter, insofar as they relate to sales taxes, excepting Sections 59-12-101 and 59-12-119, Utah Code, as amended, are hereby adopted and made a part of this Chapter as though fully set forth herein.

(b) Wherever, and to the extent that in Chapter 12 of Title 59 of the Utah Code, the State of Utah is named or referred to as the taxing agency, the name

of this municipality shall be substituted therefore. Nothing in this Subsection (2)(b) shall be deemed to require substitution of the name of the municipality for the word "state" when that word is used as part of the Title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter.

(c) If an annual license has been issued to a retailer under Section 59-12-106, Utah Code, as amended, an additional license shall not be required by reason of this Section.

(d) There shall be excluded from the purchase price paid or charged by which the tax is measured:

- (i) The amount of any sales or use tax imposed by the State of Utah on a retailer or consumer;
- (ii) The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sale transaction to any other municipality or any county in the State of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act.

6-204. Use Tax.

(1) An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this Chapter for storage, use or other consumption in the municipality at the rate of one percent (1%) of the sales price of the property.

(2) (a) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 16, Title 59, Utah Code, as amended, applicable to use taxes, excepting the provisions of Sections 59-16-1 and 59-16-25, Utah Code, as amended, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this Section as though fully set forth herein.

(b) Wherever and to the extent that in Chapter 16 of Title 59, Utah Code, as amended, the State of Utah is named or referred to as the taxing agency, the name of Vineyard Town shall be substituted therefore. Nothing in this Subsection (2)(b) shall be deemed to require the substitution of the name of this municipality for the word "state" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter.

(c) There shall be exempt from the tax due under this Section:

- (i) The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;
- (ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which have been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the Uniform Local Sales and Use Tax Law of Utah by any other municipality and any county of the State.

6-205 Contract with State Tax Commission.

Heretofore this municipality has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the sales and use tax ordinance of the municipality. That contract is hereby confirmed and the Mayor is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the local sales and use tax ordinance of the municipality as reenacted by this Chapter.

CHAPTER 6-300 Revenue Taxes.
RESERVED

CHAPTER 6-400 FRANCHISE TAX.

6-401. Requirement of Franchise.

It shall be unlawful to install, construct, or maintain any wires, cables, poles, pipes or other equipment for the provision of public utility service in, on, under, or over any street, alley, sidewalk, parkway or other public place in the municipal limits of Vineyard Town without first having obtained a franchise for use of the public way from Vineyard Town.

6-402. Franchise Agreements.

(1) Vineyard Town may, by written agreement, grant one or more nonexclusive franchises for use of public streets, public easements, and ways. Said agreements to take the form of both contract and uncodified municipal ordinance.

(2) Whenever it is necessary for any person or company to obtain a franchise from Vineyard Town pursuant to Subsection (1) of this Section, or to obtain an extension or renewal thereof, the applicant shall furnish to the Town Recorder, for the use of the Town administration and Municipal Council, ten (10) copies of a proposed franchise agreement, resolution, or ordinance, and pay to the Town treasury a fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(3) Unless the Municipal Council shall otherwise consent by resolution, each agreement granting a franchise shall include, but not be limited to, provisions relating to the following:

- (a) The term of the franchise;
- (b) The amount of any franchise fee or other fee(s) to be paid for use of the public streets and ways;
- (c) The rights and limitations on the use by the franchise of Town owned or controlled streets, easements or electrical poles;
- (d) Public, or governmental use, if any, of the franchised system either in an emergency or through the power of eminent domain;

(e) A description of the area or customers who are to be served by the franchisee, including obligations, if any, to expand service; and

(f) An acknowledgment that the franchisee is and agrees to be subject to the provisions of Subsection (7) of this Section.

(4) To facilitate the negotiation of franchise agreements, the Vineyard Municipal Council grants unto the Mayor and the Mayor's representatives the authority to negotiate the terms and conditions of franchise agreements with any applicant subject to final consent and approval by the Vineyard Municipal Council.

(5) No franchise contract shall take effect until it has been approved by the Municipal Council.

(6) Any franchise granted pursuant to this Section shall remain subject to the right of the Municipal Council to adopt, from time to time, regulations by ordinance relating to the following:

(a) The commencement, interruption or discontinuation of customer service;

(b) The quality of service received by customers;

(c) Customer billing practices; and

(d) The handling of customer complaints.

6-403. Assignment.

(1) All franchises and grants of special privileges shall be deemed to be non-assignable without the express permission of the Municipal Council, whether or not such limitation is set forth in the body of a franchise agreement.

(2) All applications or proposals for assignment of franchises must be in writing, and a copy thereof filed in the office of Town Recorder before any such assignment or transfer will be considered for approval by Vineyard Town.

(3) Any attempt to assign or transfer a franchise without approval of the Town not made in accordance with provisions of this Chapter shall operate as a forfeiture of all rights under any franchise agreement.

6-404. Forfeiture of Rights.

Any public utility or other person or entity currently supplying services through use of the public ways as set forth in Section (1) of this Section, not in possession of a franchise from Vineyard Town as of the date of this Chapter shall obtain a franchise no later than one (1) year after the passage of this Section or shall from that date henceforth forfeit any right or privilege to supply said services by use of the public property. No entity shall have standing to contest this provision in court of law, unless and until any franchise fee required under Section 5.03.050, Vineyard Town Code has and continues to be paid in full.

6-405. Franchise Tax Levied.

(1) Subject to the provisions of this Chapter of the Vineyard Town Code and individually negotiated franchise agreements, there is hereby levied on all persons, businesses, public utilities and other entities using the public streets, alleys, sidewalks, parkways, poles, wires, cables or other equipment or public property of the Town of Vineyard, a franchise fee or tax equal to six percent (6%) of the gross revenue attributable to the sale and use of the services provided by such person, business, public utility, or other entity.

(2) Within forty-five (45) days after the end of each month in a calendar year, any business taxed hereunder shall file with the Town Treasurer a report of its gross revenue attributable to the sale and use of services specified hereunder rendered in competition with public utilities in the Town, together with a computation of the tax levied hereunder against such business. Coincidental with the filing of such report, the business shall pay to the Town Treasurer the amount of the tax due for the calendar month which is the subject of the said report.

CHAPTER 6-500 MUNICIPAL ENERGY SALES AND USE TAX.

6-501. Purpose.

It is the intent of the Town of Vineyard, Utah to adopt the municipal energy sales and use tax, pursuant to, and in conformance with, Utah Code Ann. § 10-1-301 et seq, "The Municipal Energy Sales and Use Tax Act."

6-502. Definitions.

"Consumer" means a person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.

"Contractual Franchise Fee" means:

- (a) a fee;
- (i) provided for in a franchise agreement; and
- (ii) that is consideration for the franchise agreement; or
- (b)(i) a fee similar to subsection (a); or
- (ii) any combination of subsections (a) or (b).

"Delivered Value" means the fair market value of the taxable energy delivered for sale or use in the municipality and includes:

- a) the value of the energy itself; and
- (b) any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality,
- (c) "Delivered Value" does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.

"Energy Supplier" means a person supplying taxable energy, except for persons supplying a de minimus amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

"Franchise Agreement" means a franchise or an ordinance, contract, or agreement granting a franchise.

"Franchise Tax" means:

- (a) a franchise tax
- (b) a tax similar to a franchise tax; or
- (c) any combination of Subsections (a) or (b).

"Person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, Town, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

"Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

- (a) installment and credit sales;
- (b) any closed transaction constituting a sale;
- (c) any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

"Storage" means any keeping or retention of taxable energy in this City/Town for any purpose except sale in the regular course of business.

"Taxable Energy" means gas and electricity.

"Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.

- (a) "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

6-503. Municipal Energy Sales and Use Tax.

There is hereby levied, subject to the provisions of this Chapter, a tax on every sale or use of taxable energy made within Vineyard Town, Utah equaling six percent (6%) of the delivered value of the taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax.

- (1) The tax shall be calculated on the delivered value of the taxable energy to the consumer.
- (2) The tax shall be in addition to any sales or use tax on taxable energy imposed by Vineyard Town, Utah, authorized by Title 59, Chapter 12, Part 2 of the Utah Code Annotated, The Local Sales and Use Tax Act.

6-504. Exemptions from the Municipal Energy Sales and Use Tax.

(1) No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in Utah Code Ann. § 10-1-305(2)(b); notwithstanding an exemption granted by § 59-1-104 of the Utah Code.

(2) The following are exempt from the Municipal Energy Sales and Use Tax, pursuant to Utah Code Ann. § 10-1-305(2)(b):

- (a) Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
- (b) Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution, or the Utah Constitution;
- (c) Sales and use of taxable energy purchased or stored for resale;
- (d) Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
- (e) Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
- (f) The sale or use of taxable energy for any purpose other than as a fuel or energy; and,
- (g) The sale of taxable energy for use outside the boundaries of Vineyard Town, Utah.

(3) The sale, storage, use, or other consumption of taxable energy is exempt from the Municipal Energy Sales and Use Tax levied by this Chapter, provided:

- (a) The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Title 59, Chapter 12, Part 3 of the Utah Code Annotated; and,
- (b) Vineyard Town, Utah, is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Chapter, if the tax due under this Chapter exceeds the tax paid to the other municipality.

6-505. No Effect Upon Existing Franchises -- Credit for Franchise Fees.

(1) This Chapter shall not alter any existing franchise agreements between Vineyard Town, Utah and energy suppliers.

(2) There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:

- (a) the energy supplier pays the contractual franchise fee to Vineyard Town, Utah, pursuant to a franchise agreement in effect on July 1, 1997;
- (b) the contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
- (c) the energy supplier has accepted the franchise.

6-506. Tax Collection Contract with State Tax Commission.

(1) On or before the effective date of this Chapter, the Town shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Municipal Energy Sales and Use Tax, in accordance with this Chapter. This contract may be a supplement to the existing contract with the Commission to administer and collect the Local Sales and Use Tax for Vineyard Town, Utah. The Mayor is hereby authorized to enter supplementary agreements with the State Tax Commission that may be necessary to the continued administration and operation of the Municipal Energy Sales and Use Tax Ordinance enacted by this Chapter.

(2) An energy supplier shall pay the Municipal Energy Sales and Use Tax revenues collected from consumers directly to the Town monthly if:

- (a) the Town of Vineyard, Utah is the energy supplier; or
- (b) (i) the energy supplier estimates that the Municipal Energy Sales and Use Tax collected annually from its Utah consumers equals one million dollars (\$1,000,000.00) or more, and
- (ii) the energy supplier collects the Municipal Energy Sales and Use Tax.

(3) An energy supplier paying the Municipal Energy Sales and Use Tax directly to Vineyard Town, Utah, may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by § 10-1-307(4), Utah Code Annotated.

6-507. Incorporation of Part 1, Chapter 12, Title 59, Utah Code, Including Amendments.

(1) (a) Except as herein provided, and except insofar as they are inconsistent with the provisions of Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, as well as this Chapter, all of the provisions of Part 1, Chapter 12, Title 59 of the Utah Code Annotated 1953, as amended, and in force and effect on the

effective date of this Chapter, insofar as they relate to sales and use taxes, excepting Sections 59-12-101 and 59-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this Chapter as if fully set forth herein.

(b) Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the "taxing agency," the name of Vineyard Town, Utah, shall be substituted, insofar as is necessary for the purposes of that part, as well as Part 3, Chapter 1, Title 10, Utah Code Annotated 1953, as amended. Nothing in this Subparagraph (b) shall be deemed to require substitution of the name Vineyard Town, Utah for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the Vineyard Town, Utah be substituted for that of the State in any section when the result of such a substitution would require action to be taken by or against the Vineyard Town, Utah or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter.

(c) Any amendments made to Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, which would be applicable to Vineyard Town, Utah for the purposes of carrying out this Chapter are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.

6-508. No Additional License to Collect the Municipal Energy Sales and Use Tax Required -- No Additional License or Reporting Requirements.

No additional license to collect or report the Municipal Energy Sales and Use Tax levied by this Chapter is required, provided the energy supplier collecting the tax has a license issued under Section 59-12-106, Utah Code Annotated.

CHAPTER 6-600 MUNICIPAL TELECOMMUNICATIONS LICENSE TAX.

6-601. Definitions.

As used in this Chapter:

"Commission" means the Utah State Tax Commission.

Subject to Subsections (a) and (b), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.

(a) "Customer" means:

(i) the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract;
or

(ii) if the end user is not the person described in Subsection (2)(b)(i), the end user of telecommunications service.

(b) "Customer" does not include a reseller:

(i) of telecommunications service; or

(ii) for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

"End user" means the person who uses a telecommunications service.

(a) For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

"Gross receipts attributed to the municipality" means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Title 59, Chapter 12, Sales and Use Tax Act, and determined in accordance with Utah Code Section 59-12-207.

"Gross receipts from telecommunications service" means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

- (a) a tax, fee, or charge:
 - (i) imposed by a governmental entity;
 - (ii) separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
 - (iii) imposed only on a telecommunications provider;
- (b) sales and use taxes collected by the telecommunications provider from a customer under Title 59, Chapter 12, Sales and Use Tax Act; or
- (c) interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

"Mobile telecommunications service" is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

"Municipality" means Vineyard Town, Utah.

"Place of primary use":

- (a) for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:
 - (i) the residential street address of the customer; or
 - (ii) the primary business street address of the customer; or
- (b) for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

Notwithstanding where a call is billed or paid, "service address" means:

- (a) if the location described in this Subsection (a) is known, the location of the telecommunications equipment:
 - (i) to which a call is charged; and
 - (ii) from which the call originates or terminates;
- (b) if the location described in Subsection (a) is not known but the location described in this Subsection (b) is known, the location of the origination point of the signal of the telecommunications service first identified by:
 - (i) the telecommunications system of the telecommunications provider; or
 - (ii) if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
- (c) if the locations described in Subsection (a) or (b) are not known, the location of a customer's place of primary use.

that: Subject to Subsections (b) and (c), "telecommunications provider" means a person

- (a)(i) owns, controls, operates, or manages a telecommunications service; or
- (ii) engages in an activity described in Subsection (a)(i) for the shared use with or resale to any person of the telecommunications service.
- (b) A person described in Subsection (a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
 - (i) that person; or
 - (ii) the telecommunications service that the person owns, controls, operates, or manages.
- (c) "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-8b-2.

"Telecommunications service" means:

- (a) telephone service, as defined in Utah Code Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this State; and
- (b) mobile telecommunications service, as defined in Utah Code Section 59-12-102:
 - (i) that originates and terminates within the boundaries of one state; and
 - (ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116, et seq.

6-601. Levy of Tax.

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.

6-602. Rate.

The rate of the municipal telecommunications license tax levy shall be three point five percent (3.5%) of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality. If the location of a transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be determined pursuant to the provisions of Utah Code Section 10-1-407.

6-603. Interlocal Agreement for Collection of the Tax.

On or before the effective date of the Chapter, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Section 10-1-405 for the collection, enforcement, and administration of the municipal telecommunications license tax.

6-604. Procedures for Taxes Erroneously Recovered From Customers.

Pursuant to the provisions of Utah Code Section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah Code Section 10-1-408.

TITLE 7-000.

MUNICIPAL IMPROVEMENTS AND
PUBLIC SERVICE PROJECTS. Reserved.

TITLE 8-000.

MUNICIPAL PROPERTY.

CHAPTER 8-100. REGULATION AND CONTROL.

8-101. CONTROL OF PROPERTY. See U.C.A. 10-8-1 and 10-8-2.

8-102. ACQUISITION AND DISPOSAL. See U.C.A. 10-8-2.

8-103. ERECTION AND CARE OF BUILDINGS. See U.C.A. 10-8-5.

PART 8-110. CONTROL OF TOWN PROPERTY.

8-111. UNLAWFUL USE. Unless authorized by permit or other written authorization issued by the town or unless authority is granted by provisions of this code or other ordinance of the Town now or hereafter enacted, it shall be a class B misdemeanor for any person to:

- A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this Town or utility, canal, ditch, construction or building.
- B. Enter upon any property of this Town contrary to posting or marking restricting or prohibiting use of the area.
- C. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.

8-112. REPAIR OR RESTORATION. The Town council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this Town to repair or restore the property to its original condition prior to the damage, alteration or change.

8-113. FRANCHISE.

- A. The Town council may grant any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this Town, and the provisions of sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.
- B. Any franchise or easement granted by this Town shall be in writing and any franchise or easement not in writing shall be void.

8-114. ACTS EXEMPTED. It shall not be a violation of this part where any person uses the public property of this Town in the manner or for the purpose or purposes for which such property has been made available for public use.

CHAPTER 8-200. CEMETERIES. Reserved

CHAPTER 8-300 PARKS

A. It is unlawful for any person to do or to allow or permit any of the following acts in any public park, trail or playground in Vineyard Town or in any place now, or which may hereafter be, set aside or used and as a public park, trail or playground located in Vineyard Town which is under the jurisdiction of the Town or any other public entity.

1. **Hours of Operation.** All public parks, trails and playgrounds of the Town shall be closed to the public between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning. No person or persons shall be permitted in said parks or playgrounds, either on foot or on or in any type of vehicle, during such hours unless for the express purpose of traveling directly through the park or playground on a public street that passes through the park or playground. Provided, however, that section shall not apply to a person or persons who are in the park, or on the trail in conformity with a function or activity for which a permit has previously been authorized by the Town.
2. **Fires and Campfires.** No person shall make or kindle a fire of any kind within a public park, trail or playground in the Town of Vineyard except in an approved fire pit or cooking facility constructed by the Town or Utah County specifically for that purpose.
3. **Beer and Alcoholic Beverages.** It is unlawful for any person to consume beer or any alcoholic beverage, or to have in his or her possession any beer or alcoholic beverage within any public park or on any public trail located in Vineyard Town.
4. **Fireworks, Firearms and Explosives.** No person shall discharge any firearms, firecrackers, rockets, torpedoes, powder, or any other fireworks or explosives in any public park, trail or playground located in Vineyard Town without the prior consent of the Town.
5. **Littering:** No person shall throw or deposit any bottles, tin or tin cans, broken glass, nails, tacks, crockery, wire, paper, clothes, scrap or sheet iron, boxes, boards, lumber or stone, or any rubbish or garbage in any public park, trail or playground except in approved trash receptacles.
6. **Trees, Shrubs, Buildings:** No person shall cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or pluck, pull up, cut, take or remove any shrub, bush, plant, flower; or mark, or write upon any building, monument, fence, bench or other structure in public park, trail or playground in the Town.
7. **Removal or Destruction of Property:** No person shall cut, remove, injure or destroy any wood, turf, grass, soil, rock, sand or gravel from any public park, trail or playground in the Town.

TITLE 9-000.

LICENSING, CONTROL AND REGULATION OF
BUSINESS AND CONSTRUCTION

CHAPTER 9-100. LICENSING, CONTROL AND REGULATION OF BUSINESS AND
REGULATION OF BUSINESSES.

PART 9-110. GENERAL PROVISIONS.

9-111. DEFINITIONS. As used in chapters 9-200, 9-300 and 9-400:

- A. "Business" means and includes all activities engaged in within this town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.
- B. "Engaging in business" includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.
- C. "Place of business" means each separate location maintained or operated by the licensee within this town from which business activity is conducted or transacted.
- D. "Employee" means the operator, owner or manager of a place of business and any persons employed by such person in the operation of said place of business in any capacity and also any salesman, agent or independent contractor engaged in the operation of the place of business in any capacity.
- E. The term "wholesaler" means a person doing a regularly organized wholesale jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale.
- F. The term "wholesale" means a sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.
- G. "Each separate place of business" shall mean each separate establishment or place of operation, whether or not operating under the same name, within the town, including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the town.

9-112. BUSINESS LICENSE REQUIRED. It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pin- ball or coin-operated machine without first receiving the class or type of license required by the town.

9-113. LICENSE ASSESSOR AND COLLECTOR. The Town Clerk is designated

and appointed as ex officio assessor of license fees for this town. On receipt of any application of a license, the Town Clerk shall assess the amount due thereon and shall collect all license fees. The Town Council shall from time to time establish the fees by resolution. The fees will be listed in the current fee schedule. He shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title.

9-114. PAYMENTS DATES. All license fees shall be due and payable as follows, except as may be otherwise provided in the applicable ordinance:

- A. Annual fees shall be payable before each calendar year in advance. The annual license shall date from the first day of January of each year and shall expire on December 31 of each year.
- B. Annual fees shall be due on the first day of each calendar year and shall become delinquent if not paid by March 1 each year.
- C. One-half of annual fee shall be payable for all licenses issued by the town pursuant to applications made after July 1 of each year and licenses issued after July 1 shall expire on the first day of the following January. Payment shall be due upon the date of application approval.

9-115. Reserved.

PART 9-116. APPLICATIONS FOR LICENSE.

- A. All applications for license shall include but not be limited to:
 - 1. The name of the person desiring a license.
 - 2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.
 - 3. The class of license desired, if such licenses are divided into classes.
 - 4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
 - 5. The period of time for which such license is desired to be issued.
- B. In the event that the license application relates to a coin-operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.

9-117. CERTIFICATE. All certificates of license shall be signed by the mayor, attested by the Town Clerk, and shall contain the following information:

- A. The name of the person to whom such certificate has been issued.
- B. The amount paid.
- C. The type of license and the class of such license if licenses are divided into classes.

- D. License period will be one year.
- E. The place where such business, calling, trade or profession is to be conducted.

9-118. DISPLAY.

- A. Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

9-119. TRANSFER OF LICENSE PROHIBITED. No license granted or issued under any ordinance of this town shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the governing body.

PART 9-120. REVOCATION OR DENIAL OF BUSINESS LICENSE.

- A. Any license issued pursuant to the provisions of this code or of any ordinance of this town may be revoked and any application denied by the governing body because of:
 - 1. The failure of the licensee or applicant to comply with conditions and requirements of this code or any ordinance of the town.
 - 2. Unlawful activities conducted or permitted on the premises where the business is conducted.
- B. Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the governing body intends to revoke the business license or deny the application to renew, together with the reason or reasons therefore, at a regular or special meeting of the governing body (which shall be at least ten days and not more than 30 days from the date notice is sent) and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.
- C. The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the town, and such applicants need only be informed that their application has been denied.

9-121. BRANCH ESTABLISHMENTS. A separate license must be obtained for each separate place of business in the town and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this part shall not be deemed to be separate places of business or branch establishments.

9-122. JOINT LICENSE. Whenever a person is engaged in two or more businesses at the same location within the town, such person shall be required to obtain separate licenses for conducting each of such businesses. The license tax to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

9-123. RECIPROCAL RECOGNITION OF LICENSES.

- A. No license shall be required for operation of any vehicle or equipment in this town when:
 - 1. Such vehicle is merely passing through the town.
 - 2. Such vehicle is used exclusively in inter-city or inter-state commerce.
- B. No license shall be required by chapters 9-200, 9-300 or 9-400 of any person whose only business activity in this town is the mere delivery in the town of property sold by him at a regular place of business maintained by him outside the town where:
 - 1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated, and,
 - 2. The authority licensing such business grants to licensees of this town making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section, and,
 - 3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this town for compliance with health or sanitary standards prescribed by this town, and,
 - 4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol used by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.
- C. The Town Clerk shall at the request of any person certify a copy of this section to any municipality or county of the state of Utah to which a copy has not previously been certified.

9-124. EXEMPTIONS TO LICENSE.

- A. No license fee shall be imposed under chapters 9-200 or 9-300 on any person engaged in business for solely religious, charitable, eleemosynary or any other types of strictly non-profit purpose which is tax exempt in such activities under the laws of the United States and the state of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the state of Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within this town who has paid a like or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in this town and doing business in such taxing unit.
- B. The license assessor and collector may, with approval of the governing body, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.

9-125. FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE. None of the license taxes provided for by chapter 9-300 shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the license assessor and collector for an adjustment of the tax so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the license assessor and collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license assessor and collector shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the tax fixed by chapter 9-300 is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the governing body a license tax for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the governing body is satisfied that such license tax is the amount that the applicant should pay, it shall fix the license tax in such amount. If the regular license tax has already been paid, the governing body shall order a refund of the amount over and above the tax fixed by the governing body. In fixing the fee to be charged, the license assessor and collector shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature.

CHAPTER 9-200. BUSINESSES LICENSED ON AN ANNUAL FEE. All businesses shall pay an annual licensing fee in the amount as may be set forth from time to time in the Town's general fee resolution.

CHAPTER 9-300. BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS.
Reserved

CHAPTER 9-400. LICENSING AND REGULATING SPECIFIC BUSINESSES.

PART 9-410. INTOXICANTS.

9-411. LICENSE TO SELL BEER AT RETAIL.

- A. It shall be a class B misdemeanor for any person to engage in the business of selling light beer at retail, in bottles or draft, without first having procured a license therefore from the governing body and paid the license fee required by this part.
- B. It shall be a class B misdemeanor for any person to sell beer after the revocation of the license issued pursuant to this part.
- C. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the Utah Liquor Control Act and the regulations of the Liquor Control Commission.

9-412. DEFINITIONS. The words and phrases used in this part shall have the meanings specified in the Utah Liquor Control Act unless a different meaning is clearly evident.

9-413. RETAIL LICENSES. Retail licenses issued hereunder shall be of the following three kinds and shall carry the following privileges and be known as class "A", class "B", class "C", and "seasonal licenses".

- A. Class "A" retail licenses issued hereunder shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Liquor Control Act and the ordinances of this town.
- B. Class "B" retail licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on or off the premises in accordance with the Utah Liquor Control Act and the ordinances of this town.
- C. Class "C" licenses for retail shall entitle the licensee to sell draft beer for consumption on or off the premises and to sell beer in accordance with the Utah Liquor Control Act and the ordinances of this town.
- D. "Seasonal licenses" of any class may be issued for a period of time not to exceed one year which period shall be determined by the governing body.

9-414. BEER LICENSE FEES. In addition to any other business license fee which any person or place of business may be required to pay, the Town council shall from time to time enact by a fee for an annual beer license. This fee shall be listed in the current fee schedule.

9-415. LICENSE FEES TO ACCOMPANY APPLICATION. Applications provided for in this part shall be accompanied by the fees provided in this part. The fee shall be returned to the applicant if the application is denied.

9-416. PURCHASE OF BEER FOR RESALE. It is a class B misdemeanor for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a

brewer or wholesaler licensed under the provisions of the Utah Liquor Control Act.

9-417. APPLICATION FOR LICENSE.

- A. All applications for licenses authorized by this part shall be verified and shall be filed with the Town Clerk. The applications must state the applicant's name in full and that he understands and has read and complied with the requirements and possesses the qualifications specified in the Liquor Control Act and this part. If the applicant is a co partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors must be stated.
- B. Application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

9-418. APPLICATIONS REFERRED TO CHIEF OF POLICE. All applications filed in accordance with the provisions of this part shall be referred to the chief of police for inspection and report. The chief of police shall when possible within 2 weeks after receiving such application make report to the governing body of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether the place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The chief of police shall also add to such report his recommendation as to whether or not the application should be granted.

9-419. RENEWALS. All applications for renewal licenses filed by the holders of existing licenses shall be filed with the Town Clerk at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application with the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any all business for the sale of beer until the date of his new license is issued by the governing body.

9-420. QUALIFICATION. No license shall be granted to any retailer to sell light beer within the town unless he shall be of good moral character, over the age of twenty-one years, and a citizen of the United States, or to anyone who has been convicted of a felony or of any violation of any law of the state of Utah or provision of the ordinances of this town relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications set forth in this section, or to any corporation, of which any director or officer lacks any such qualifications.

9-421. BOND REQUIRED. No license under this part shall be granted by the governing body until the applicant shall have filed with the Town Clerk a bond and insurance in the sum and as required by Section 32B-6-705 Utah Code Annotated 1953 the bond shall be made in favor of this town.

9-422. DEPARTMENT OF HEALTH PERMIT. No license under this part shall be issued until the applicant therefore shall have first procured from the department of health of the town a permit which shall show that the premises to be licensed are in a

sanitary condition and that the equipment used in the storage, distribution or sale of light beer complies with all the health regulations of this town and the state of Utah.

9-423. TRANSFER OF LICENSE. Licenses issued pursuant to this part shall not be transferrable, and if revoked by the governing body, the fee paid by the licensee to the town for the license shall be forfeited to the town.

9-424. RESTRICTIONS.

- A. It is unlawful for any person to sell beer at any public dance or to any person intoxicated, or under the influence of any intoxicating beverage. It is unlawful for any person to sell beer in any dance hall or theater, and a license to sell beer shall not be granted to any person to sell beer at any business or premise where gasoline for the use in motor vehicles is sold.
- B. No license shall be granted to sell beer in any dance hall, theater, or within 500 yards of any church or within 500 yards of any school.
- C. It shall be unlawful to sell beer to any person under the age of 21, or to sell beer for consumption on the premises unless so licensed, or to permit the drinking of liquor on such premises.
- D. It shall be unlawful to sell or otherwise furnish or dispose of beer, or allow it is drunk or consumed on the premises or to allow beer out of original containers to remain in the licensed premises, whether or not open to the public, after the closing hour or 1:00 a.m. and before 6:00 a.m. Of any day except that the closing hour on the day following December 31 of any year shall be 2:00 a.m.
- E. Any person having a Class "B" or "C" beer license, or his agents or employees, shall remove or cause to be removed from the licensed premises all patrons, customers or individuals not employed on the premises by the time above stated in section D.
- F. It shall be unlawful for any person having a Class "B" or "C" beer license or for his agents or employees to permit any patron, customer or individual not employed on the premises to remain on such premises after the closing time above provided; provided however, no licensed premises may employ more than two persons on the premises after the closing hour with the permission of the chief of police or mayor.
- G. Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business, and no booth, or kind of stall shall be maintained unless all tables, chairs and occupants are kept open to full view from the main floor and the entrance of such licensed premises. It shall be unlawful to advertise the sale of beer except under such regulations as are made by the liquor control commission of Utah, provided that a simple designation of the fact beer is sold under Town license may be placed in or upon the window or front of the licensed premises.
- H. It shall be unlawful for any person to sell beer except in the manner for which he has been so licensed pursuant to the provisions of this part.
- I. It shall be unlawful to keep or maintain a nuisance as defined in this part.

9-425. Reserved.

9-426. INSPECTION.

- A. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the town or the liquor control commission, or the state board of health, and every licensee shall, at the request of the board of health furnish to it samples of beer which he shall have for sale.
- B. Any license granted pursuant to this part may be revoked on a finding by the governing body that the licensee has had ten days or more notice from the board of health that the licensee is violating one or more health ordinance, rule or regulation.
- C. The governing body may direct the chief of police to close down any business licensed under this part where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.

9-427. REVOCATION OR SUSPENSION.

- A. The governing body may, after a hearing, revoke or suspend any beer license on a finding by it that the licensee or his officers, agents or employees have violated any provision of this part or any ordinance of this town whether now or hereafter enacted which in any way related to the operation of the business or the safety of the public.
- B. A hearing may be requested by any person:
 - 1. That is denied or refused a beer license by any officer, agent or employee of this town.
 - 2. Whose beer license is revoked, restricted, qualified, or limited from that for which it was first issued.
- C. The request for hearing must be made in writing to the mayor or Town Clerk and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the beer license is mailed by the town to the applicant or license holder at his address as it appears on the application or license.
- D. Following receipt of a request for hearing, the governing body shall inform the person requesting a hearing of the time and place the hearing is to be held. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the town may produce to support its decision and to present his own evidence in support of his contention. The governing body shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the Town council.
- E. This part shall not be constructed so as to afford any aggrieved party more than one hearing before the Town council nor shall the hearing provided in this part apply to any criminal complaint or proceeding.

PART 9-450. SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS.

9-451. LICENSE REQUIRED. It shall be unlawful for:

A. A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefore in compliance with the provisions of this part.

B. Any person to engage in the business of peddler without first obtaining a permit and license therefore as provided in this part.

C. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefore in compliance with the provisions of this part.

9-452. DEFINITIONS.

A. "Transient merchant", "itinerant merchant" or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, co-signee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this part merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

B. "Peddler" as used in this part shall include any person, whether or not a resident of the municipality, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this part shall be deemed a peddler subject to the provisions of this part. The word "peddler" shall include the words "hawker" and "huckster".

C. "Canvasser" or "solicitor" means any individual whether or not a resident of the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any

person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.

9-453. APPLICATION FOR LICENSE.

A. Applicants for permits and licenses under this part, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the recorder which shall give the following information:

1 The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.

2. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.

3. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold.

4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.

5. The length of time for which the applicant desires to engage in business within the municipality.

6. The place or places within the municipality where the applicant propose to carry on his or her business.

7. A list of the other municipalities in which the applicant has engaged in business within the six month period preceding the date of the application.

8. A photograph of the applicant, taken within six months immediately prior to the date of filing the application, which photograph shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

9. A statement as to whether or not the applicant, or any of his employers have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore and the original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that the Applicant has not had a prior conviction of a felony or a misdemeanor involving fraud or moral turpitude.

10. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician in the state of Utah, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.

11. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.

B. At the time of filing the application, a fee shall be deposited with the recorder. The Town Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

9-454. INVESTIGATION AND ISSUANCE OF LICENSE.

A. On receiving the application, the recorder shall issue a temporary license if the applicant meets the above requirement and refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.

B. The applicant may do business on the temporary license during the period of the investigation. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefore and return the application to the recorder who shall notify the applicant that his temporary license has been disapproved and that business shall not be conducted.

C. If as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the recorder who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.

9-455. FEES.

A. The Town Council shall from time to time enact by resolution the fees to be charged by Vineyard Town for any license pursuant to this part.

B. None of the license fees provided for by this part shall be applied so as to engage an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six months after paying the prescribed license fee.

C. If any license fee or tax is not paid within sixty days of the due date, a penalty of 50% of the amount of such license fee or tax, or \$25.00 whichever is greater. All penalties provided for in this section shall be collected by the Town Recorder and the payment thereof enforced by him in the same manner as the license fees are collected and payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.

9-456. LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL.

A. A recorder shall issue to each licensee at the time of delivery of his temporary license a badge which shall contain the words "Licensed Solicitor," "Licensed Transient Merchant," or "Licensed Peddler" as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet. Such badge shall, during the time peddlers or solicitors are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.

B. Any person licensed pursuant to this part shall exhibit their license at the request of any citizen of the municipality.

C. It shall be the duty of any police officer of this municipality to require any person seen soliciting, canvassing or peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this part.

D. Revocation of license.

1. Permits and licenses issued pursuant to this part may be revoked by the chief of police or the recorder/clerk, after notice and hearing, for any of the following causes:

- a. Fraud, misrepresentation or a false statement contained in the application for the license.
- b. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser.
- c. Any violation of this part.
- d. Conviction of any crime or misdemeanor involving moral turpitude.
- e. Conducting the business of soliciting, or of canvassing in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

2. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with Chapter 1-400.

E. Any person aggrieved by the action of the chief of police or the recorder in the denial of a permit or a license issued pursuant to this part, or by the action of the Town council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in section D.

F. All licenses issued pursuant to this part shall expire on the date specified on the license.

9-457. ADDITIONAL REQUIREMENTS. This part shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.

9-458. EXCEPTIONS. The provisions of this part shall not apply to any individual who is at the time he is engaged in any activity which would otherwise require licensing by this part, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the state of Utah, provided such church or charity has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this part.

CHAPTER 9-500 BUILDING REGULATIONS.

PART 9-510. BUILDING OFFICIAL

9-511. BUILDING OFFICIAL. There is hereby created the position of building official who shall also be known as the municipal building inspector.

9-512. STOP ORDER. The building inspector shall have the power to order all work stopped on construction, alteration or repairs of buildings in the municipality when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision or zoning ordinance. Work shall not be resumed after the issuance of such order except on the written permission of the inspector, provided that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer or authorized person.

9-513. ENTRY POWERS. The building inspector shall have the power to enter into any building or the premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of chapter 9-500 and 9-600 and title 10-000 of this code.

9-514. ADDITIONAL DUTIES OF BUILDING INSPECTOR. The building official (inspector) shall in addition to all other duties imposed on him by this municipality:

- A. Enforce the provisions of the State Construction Code.
- B. Inspect all buildings, structures, ditches, signs, fences and objects to determine their safety and effect on the persons who are within this municipality.
- C. Until such time as a plumbing inspector is appointed or designated, the building inspector shall be responsible for enforcing part 9-560 of this title.
- D. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.
- E. Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.
- F. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

PART 9-520. GENERAL PROVISIONS.

9-521. PERMIT REQUIRED - EXCEPTIONS.

- A. It shall be a class C misdemeanor for any homeowner and a class B misdemeanor for any person who receives payment or anything of value to construct or alter any building or structure, except a fence, without first securing the permit required by this chapter.
- B. This section shall not apply where the retail cost of the materials used in the construction or alteration is less than \$500.00, except that it shall apply in the cases where the construction or alteration results in an enlarged structure or affects the walls of the building or structure.

9-522. APPLICATION FOR PERMIT. A building permit shall be secured from the recorder on written application accompanied by plans and specifications in duplicate which must state the specific nature of the construction or alterations to be made. The plan must be verified by the person who will perform or be in charge of the construction or alteration.

9-523. APPROVAL OF PLAN. The application and plans shall be forwarded from the recorder to the building inspector, who shall review the plan to determine whether the proposed

construction or alteration conforms to the building codes and ordinances of this municipality. The building inspector shall return the plans to the recorder within ten days with the statement "approved" if the plans do conform or "disapproved" if the plans do not conform. If the plans are disapproved, the reasons therefore shall be annexed to the plans. On receipt of an approved plan, the recorder shall issue a permit to the applicant together with one set of the approved plan. One set of the plans shall be retained by the building inspector. The building inspector may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in a violation of any ordinance of this municipality.

9-524. VARIATIONS OF PLAN PROHIBITED. No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the building inspector.

9-525. FEE SCHEDULE. The Town Council shall from time to time enact by resolution the fees to be paid for the application for a building permit.

PART 9-530. BUILDING CODE.

9-531. ADOPTION OF BUILDING CODE.

As required by Section 15A-1-204 of the Utah Code, Vineyard Town shall adhere to the building code, National Electrical Code, plumbing code, and mechanical code as promulgated by nationally recognized code authorities and adopted by the Utah Uniform Building Code Commission (collectively, the "State Construction Code"). When a new or revised edition of any component part of the State Construction Code is adopted by the State of Utah (by statute or administrative regulation), this Section shall be interpreted to refer to such edition thereof.

9-541. ELECTRICAL INSPECTION. The building inspector shall perform all functions of electrical inspection and shall among other things, inspect and supervise the construction, installation, and repairs of all electric light and power wiring, fixtures, appliances, or apparatus installed within the limits of the Town and shall require compliance with the provision of the electrical code. The building official shall require the correction of such defects as he deems actually dangerous to life or property. Those same enforcement standards established in the State Construction Code shall be followed by the building inspector for all electrical work.

9-542. PERMITS AND INSPECTIONS. No alterations or additions shall be made in existing wiring, nor shall any wirings or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefor except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in section 9-522 of this title. This section shall not apply to installations in power houses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installation after he has been duly notified to correct such defective work by the building inspector.

9-543. PERMIT FEES. The electrical permit fees applicable in this municipality for use under the National Electrical Code, such edition that may from time to time be adopted by resolution by the Town Council, shall be the amount enacted by resolution or the Town Council and listed in the current fee schedule.

TITLE 10-000.

FIRE, HEALTH, SAFETY AND WELFARE.

CHAPTER 10-100. FIRES - DEPARTMENT - CODE.

PART 10-110. DEPARTMENT. RESERVED

PART 10-150. UNIFORM FIRE CODE.

10-151. UNIFORM FIRE CODE.

(1) As required by Utah Code Title 15A, Chapter 5, Vineyard Town shall adhere to the International Fire Code as promulgated by the International Fire Code Council and adopted with amendments by the Utah State Legislature (the "State Fire Code"). When a new or revised edition of the State Fire Code is adopted by the Utah State Legislature, by statute, this Section shall be interpreted to refer to such edition of the State Fire Code.

(2) As authorized by Utah Code Title 15A, Chapter 5, Vineyard Town hereby adopts as additional fire code requirements the appendices to the 2012 International Fire Code as set forth below:

(a) Appendix A, Board of Appeals.

(b) Appendix B, Fire Flow Requirements for Buildings.

(c) Appendix C, Fire Hydrant Locations and Distribution.

(d) Appendix D, Fire Apparatus Access Roads. However, fire apparatus access roads shall not require dimensional standards greater than those found within Vineyard Town Code for street width and cul-de-sacs.

(3) The fire codes set forth in Subsections (1) and (2) of this Section shall constitute and shall be known as the Vineyard Town Fire Code.

PART 10-240. OFFENSIVE BUSINESS AND FACILITIES.

10-241. COMMENCEMENT OF OFFENSIVE BUSINESS.

- A. No person shall commence or change the location of any offensive business or establishment in or within one mile of the limits of this town without first filing an application for a permit to do so with the recorder.
- B. Offensive businesses, within the meaning of this part, shall include but not be limited to, packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughter house, butcher shops, soap factories, foundries,

breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises.

- C. The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

10-242. ISSUANCE OF PERMITS.

- A. The recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the town council. The town council, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the town council may:
 - 1. Deny the application.
 - 2. Recommend a modification thereof.
 - 3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business facility conform to standards established by the town council with reference to controlling the offensive features of the business.
- B. In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the town council at the time of granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.
- C. The town council shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

10-243. EXISTING OFFENSIVE BUSINESS AND FACILITIES.

- A. The town council may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the town limits. If the town council determines that the continuation of the business or facility has become a nuisance to persons situated within the town limits or that ample control is not being exercised to minimize the

creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the town council is considering revoking or modifying the operator's license.

- B. If the town council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specification to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

10-244. CONTROL OF ANIMAL AND FOUL FACILITIES.

- A. The town council shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the municipality and may compel the owner of any pigsty, privy, barn corral, fur-bearing animal farm, feed yard, poultry farm, or other unwholesome or nauseous house or place to cleanse, abate or remove the same.
- B. The town council may on its own initiative and shall, on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.
- C. In the event that the town council decides that the business or facility should be abated, removed, or controlled, it shall notify the owner or operator of the business or facility of such fact.
- D. After a hearing, the town council may issue a limited license wherein it may prescribe the specification and standard which must be followed by the business or facility in order to be permitted to continue in operation.
- E. Upon a determination by the town council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the town council shall have power to bring all necessary legal proceeding to force removal, abatement, or adherence to standards.

CHAPTER 10-300. NUISANCES.

PART 10-310. NUISANCES GENERALLY.

10-311. NUISANCES DEFINED. Whatever is dangerous to human life or health and whatever renders soil, air, water, or food impure or unwholesome is declared to be a nuisance and unlawful. It shall be unlawful for any person either as an owner, agent, or occupant to create, or aid in creating or contributing to or maintaining a nuisance.

10-312. **AUTHOR OF NUISANCE DEFINED.** Where a nuisance exists upon property and is the outgrowth of the usual, natural, or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

10-313. **DECLARATION OF NUISANCE.**

A. Every act or condition made, permitted, allowed or continued in violation of section 10-311 above, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.

B. Nuisances include:

1. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes.
2. Allowing any privy, vault or cesspool or other individual waste water disposal system to become a menace to health or a source of odors to air or water.
3. Permitting any garbage container to remain on premises when it has become unclean and offensive.
4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal.
5. Permitting the accumulation of manure in any stable, stall, feed yard, yard, or in any other building or area in which any animals are kept.
6. Permitting any slaughter house, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed, or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
7. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural water course, ditch, canal, or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so.
8. Keeping or collecting any stale or putrid grease or other offensive matter.

9. Having or permitting upon any premises any fly or mosquito-producing condition.
10. Keeping any drinking vessel for public use without providing a method of decontamination between uses.
11. Permitting or performing any ablutions in or near any public drinking fountain.
12. Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
13. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual waste water disposal systems within 20 days after notice from any enforcement officer or official of the town.
14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the town council.

10-314. THE ENUMERATION OF NUISANCES. The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

10-315. TOILET OR SEWER FACILITIES. All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the town. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

10-316. RESTRICTIONS ON BLOCKING WATER.

- A. It shall be unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow there from, or to become unsanitary.
- B. Maintenance of any such water course in such condition shall constitute a nuisance and the same shall be subject to abatement.

PART 10-320. ABATEMENT OF AND DELETERIOUS OBJECTS.

10-321. REAL PROPERTY TO BE KEPT CLEAN. It shall be an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this part or not to remove from any such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided.

10-322. WEEDS - DEFINED. Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah commissioner of agriculture.

10-323. STANDARDS OF WEED CONTROL.

- A. It is hereby declared that the above stated weeds constitute a nuisance when they:
1. Create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to humans or are unsightly or deleterious to their surrounding.
- B. Lots which have weeds, grass or other growth which constitute an existing or potential fire hazard shall be abated by the owner of the property. Weed abatement compliance shall be accomplished by disking, plowing or mowing weeds within 4 inches of the ground. The Town shall survey properties within the Town and identify those needing abatement and then serve notice in writing upon the owner or occupant of such land in person or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as indicated by the records of the County Assessor. The notice shall require the owner or occupant as the case may be to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The Town shall make proof of service of such notice under oath, and file the same in the office of the County Treasurer in accordance with Utah Code 10-11-1 et. seq.
- C. The failure of any person to comply with a notice issued pursuant to this ordinance shall be unlawful and may be prosecuted as an infraction.
- D. If any owner or occupant of land described in the notice issued pursuant to Section B herein shall fail or neglect to eradicate or destroy and remove weeds, or growth, in accordance with such notice, the Town may employ the necessary assistance and cause such weeds to be removed or destroyed. The Town shall prepare an itemized statement of all expenses incurred in their removal and destruction, and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of the mailing. The notice shall be deemed delivered when mailed by registered

mail addressed to the property owner's last known address. In the event the owner fails to make payment of the amount set forth in the statement to the Town Treasurer within the twenty (20) days, the Town may cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as hereinafter provided. In the event collection of the costs are pursued through the courts, the Town may sue for and receive judgment upon all of the costs of removal and destruction together with reasonable attorney's fees, interest and court costs. The Town may execute on such judgment in the manner provided by law. In the event the Town elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the Town shall make in triplicate an itemized statement of all expenses incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer within ten (10) days after the completion of the work of removing such weeds.

- E. Any person aggrieved by a weed abatement decision is entitled to a hearing by filing a request for such in the office of the Town Clerk within ten (10) days of receiving notice from the Town. The hearing shall be before the Town Council. The Town Council shall have authority to uphold or overturn any decision properly before him or her regarding weed abatement under this ordinance.

PART 10-330. NUISANCES ON PROPERTY.

10-331. DEFINITION OF NUISANCE. For the purpose of this part the term "nuisance" is defined to mean any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to keeping or depositing on, or scattering over the premises any of the following:

- A. Lumber, junk, trash, or debris.
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.

10-332. DUTY OF MAINTENANCE OF PRIVATE PROPERTY. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

10-333. STORAGE OF PERSONAL PROPERTY. Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within this municipality, is hereby declared to be a nuisance and dangerous to the public safety.

10-334. ABATEMENT OF NUISANCE BY OWNERS. The owner, owners, tenants, lessees or occupants of any lot within this town on which such storage as defined

in the foregoing section 10-333 is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the town.

PART 10-340. DANGEROUS BUILDINGS.

10-341. **ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.** The "Uniform Code for the Abatement of Dangerous Buildings," 1985 Edition, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three copies of which has have been filed for use and examination by the public in the office of the recorder of this town, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this town.

10-342. **APPLICATION.** The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in this town.

10-343. **ALTERATIONS, ADDITIONS AND REPAIRS.** All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (a), (b), (c), (d), (e), and (i) of Section 104 of the Uniform Building Code.

10-344. **ABATEMENT OF DANGEROUS BUILDINGS.** All buildings or portions thereof which are determined after inspection by the building official to be dangerous, as defined in the Abatement of Dangerous Building Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in section 401 of the Abatement of Dangerous Buildings Code.

10-345. **ESTABLISHMENT OF A BOARD OF APPEALS.** In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for there under, there is hereby established an abatement of dangerous building board of appeals consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and shall act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.

10-346. **DANGEROUS BUILDING - NUISANCES.** All dangerous buildings

within the terms of this part are hereby declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided.

PART 10-350. ADMINISTRATIVE NOTICES - HEARINGS - DISPOSAL OF
NUISANCE - LIEN - PENALTY FOR VIOLATION.

10-351. APPOINTMENT AND DUTIES OF INSPECTOR.

- A. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the chief of police shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.
- B. The nuisance inspector is authorized to:
 - 1. Perform all functions necessary to enforce the provisions of this chapter.
 - 2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
- C. If he concludes there exists an objectionable condition in violation of this chapter, the inspector shall:
 - 1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
 - 2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, provided that any person notified pursuant to this subsection shall be given at least ten but not more than 20 days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:
 - a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
 - b. Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the town council at a time and place to be set by the

town council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.

- c. Inform the person that in the event he fails or neglects to correct the objectionable condition, the town will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs together with reasonable cost of correcting the violation against the property as a tax.
- 3. In the event the owner or occupant makes such request for a hearing, the town council shall set the time and place for hearing objections and the recorder shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five days from the date of service or mailing of the notice of hearing.

10-352. HEARING.

- A. At the written request of an owner, occupant or other person having an interest in property which is the subject of notice to remove or abate weeds, objectionable conditions, or objects from the property, the town council shall conduct an informal hearing (which need not be reported) wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The town council shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five nor more than ten days, the town council shall over the signature of the mayor or such other member of the town council as it may designate render its written decision, a copy of which shall be mailed to served upon the owner or other person to whom original notice was given by the inspector.
- B. In the event the decision of the town council upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed 30 days, is authorized by the inspector.
- C. In the event that the decision of the town council either overrules or modifies the determination of the inspector, the written decision of the town council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the town council within ten days after service or

mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the inspector unless additional time is authorized by the town council.

- D. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.

10-353. **FAILURE TO COMPLY.** In any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the inspector shall employ all necessary assistance to cause such objectionable objects or condition to be removed or destroyed at the expense of the town.

10-354. **ITEMIZED STATEMENT.** The inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty days of the date of mailing, The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property.

10-355. **FAILURE TO MAKE PAYMENT.** In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set forth in the statement to the town treasurer within the 20 days, the inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

10-356. **COLLECTION BY LAW SUIT.** In the event collection of expenses of destruction and removal are pursued through the courts, the town shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

10-357. **COLLECTION THROUGH TAXES.** In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-11-4, Utah Code Annotated 1953, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

10-358. **CRIMINAL PROCEEDING.** The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance or the granting to the defendant of an opportunity to abate

or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

10-359. PENALTY FOR FAILURE TO COMPLY.

- A. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum of \$50_ for each and every day such failure to comply continues beyond the date fixed for compliance.
- B. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

CHAPTER 10-400. GARBAGE AND LITTER.

PART 10-410. GARBAGE REGULATION.

10-411. DEFINITIONS.

- A. "Garbage" means waste from the preparation, handling, storing, cooking or consumption of food and food products.
- B. "Residential garbage" refers to garbage produced in places of private residence and dining halls not open to the public.
- C. "Commercial garbage" refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
- D. "Refuse" means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.
- E. "Community waste" means lawn cutting, clippings from bushes and shrubs, leaves and trees and tree branches.
- F. "Container" or "regulation container" means a type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant bag manufactured specifically for use in garbage and refuse collection.

10-412. COLLECTION OF GARBAGE.

- A. The town or its agent shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the town council may from time to time establish by regulation.
- B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the town except by the town or its agent and except by authorized person hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in the town.
- C. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the town council may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the town as the town council may authorize.
- E. Nothing in this section shall be construed as eliminating the charge made for garbage service.

10-413. SERVICE CHARGE.

- A. All residents and all business establishments within the municipality shall pay the town the following garbage service charges as may be established from time to time by resolution of the Town Council
- B. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers.
- C. If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the recorder for no garbage collection charges during the continued vacancy of the premises.
- D. The mayor, with the consent of the town council, may excuse needy widows and elderly persons who are not reasonably capable of paying the monthly charge for

residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary.

10-414. **METHOD OF PAYMENT OF SERVICE CHARGES.**

- A. The garbage service charges above imposed by this part shall be added to the charge made for water furnished through the water system of the town and shall be billed and collected in the same manner as water service charges are billed and collected.
- B. In the event that the obligee for the water service charges and the obligee for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the town council, the garbage service charges may be collected with such frequency and in such manner as the town council shall by regulation provide.

10-415. **NO ACCUMULATION OF GARBAGE.** It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the town without express permission from the town health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the town council may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

10-416. **CONTAINERS.**

All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, as specified by the Town's collection contractor.

10-417. **CLOSING OF GARBAGE CONTAINERS REQUIRED.** All garbage and market waste must be placed in rainproof and flyproof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

10-418. **TIME AND PLACE OF PICKUP.**

- A. All garbage and refuse subject to garbage collection by the town shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the town council and at such time or times as shall be designated by regulations of the town council.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and

must be set out on the day of collection before the hour of collection designated by regulations of the town council.

- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.

10-419. DISPOSAL OF COMMUNITY WASTE.

- A. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the town council as to the places of disposal and as to the type of vehicle used to avoid spillage upon public ways of the town, hazards to safety and the prevention of nuisances.
- B. The Town council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the Town, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the Town.

10-420. BURNING OF REFUSE PROHIBITED. It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within the municipality.

10-421. DUMPING REFUSE PROHIBITED. It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the Town whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control.

10-422. LIMITATIONS UPON DUMPING. Dumping waste and garbage shall be permitted only in such places as are designated by the Town council. Dumping shall be subject to such rules and regulations as may be formulated by the Town council.

10-423. REGULATIONS. The Town council may adopt such regulations as in its opinion are necessary to implement this part and its objectives.

PART 10-430. LITTER - HANDBILLS.

10-431. DEFINITIONS. For the purposes of this part:

- A. "Authorized receptacle" is a public or private litter storage and collection receptacle.
- B. "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
1. Which advertises for sale any merchandise, product, commodity, or thing;
 2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
 3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this Town; or
 4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.
- C. "Garbage" means waste from preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
- D. "Litter" is "garbage", "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the Town.
- E. "Newspaper" is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issued per year, and sold to the public.

- F. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
- G. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town.
- H. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- I. "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- J. "Vehicle" is every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

10-432. LITTER IN PUBLIC PLACES. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

- A. In authorized receptacles for collection or in official municipal garbage dumps, or
- B. For collection as authorized by the Town council.

10-433. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING. Persons placing litter in authorized receptacle shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

10-434. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE Town COUNCIL. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

10-435. MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER. No person owning or occupying any place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

10-436. LITTER THROWN BY PERSONS IN VEHICLES. No person, while a

driver of passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.

10-437. **TRUCK LOADS CAUSING LITTER.** No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matters of any kind.

10-438. **LITTER IN PARKS.** No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

10-439. **LITTER IN LAKES AND FOUNTAINS.** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.

10-440. **THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.** No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the Town council, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

10-441. **PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES.** Unless otherwise authorized by the Town council, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

10-442. **DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.** No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.

10-443. **PROHIBITED DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.** No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof

a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

10-444. **DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.** No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this part, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

10-445. **EXEMPTION FOR MAIL AND NEWSPAPERS.** The provisions of this part shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

10-446. **POSTING NOTICE PROHIBITED.** No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

10-447. **LITTER ON OCCUPIED PRIVATE PROPERTY.** No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.

10-448. **LITTER ON VACANT LOTS.** No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

10-449. **HANDBILLS AND POSTERS.**

A. No person or business shall post, stick, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any

bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this Town.

- B. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the Town any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefore. This section shall not be construed to apply to the sale of articles by licensed peddlers.
- C. Applications for such permit shall be made to the recorder and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.
- D. Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the recorder before any such license is issued.

TITLE 11-000.

TRANSPORTATION, STREETS AND PUBLIC WAYS.

CHAPTER 11-100. RESERVED.

CHAPTER 11-200. RESERVED.

CHAPTER 11-300. STREETS AND PUBLIC WAYS.

PART 11-310. SUPERINTENDENT OF STREETS.

11-311. DEPARTMENT - SUPERINTENDENT OF STREETS.

- A. There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges, and other public ways.
- B. The department shall be under the direction and control of the superintendent of streets who shall be the Public Works Director or his designee..

11-312. POWERS AND DUTIES OF STREET DEPARTMENT. The department shall:

- A. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters.
- B. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.
- C. Enforce the provisions of this chapter 11-300 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.
- D. Repair, or cause to be repaired, all defects coming to the department's attention and take responsible precautions to protect the public from injuries due to such defects pending their repair.

PART 11-320. STREETS - TRAFFIC CONTROL.

11-321. ADOPTION OF MOTOR VEHICLE AND TRAFFIC CODE. The Motor Vehicle Act, Chapter 1 of Title 41, Utah Code, as amended, is hereby adopted as a Vineyard Town ordinance, including The Uniform Act Regulating Traffic on Highways, Chapter 6 of Title 41, Utah Code, as amended. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a Town ordinance is not adopted.

11-322. DEFINITIONS CONTAINED IN CODE. Unless the context otherwise requires, all references in the traffic code to:

- A. The State Road Commission or State Department of Transportation shall mean this Town and its officers, departments, agencies, and agents.
- B. Local Authorities shall mean the Town council of this Town.
- C. The Department of Public Safety of the State of Utah shall mean the chief of police of this Town or his agent.
- D. Magistrate shall mean the justice of the peace or judge of this Town.

11-323. PRIMA FACIE SPEED - DESIGNATED STREETS.

- A. When appropriate street signs giving notice of the maximum permitted speed thereon are erected, the prima facie speed limits designated in the appropriate appendix of this code shall apply to the appropriate streets listed therein.
- B. Unless otherwise provided in this part or in any other ordinance of this Town, the prima facie speed limits on the streets of this Town shall be 25 miles per hour.

PART 11-330. ANIMALS ON STREETS.

11-331. DRIVING ANIMALS ON STREETS.

- A. Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from the chief of police to do so is guilty of an infraction.
- B. No person shall drive livestock through this Town upon streets not designated for that purpose except upon permission and according to the direction of the chief of police.

PART 11-340. PARKING REGULATIONS.

11-341. PARKING OR BLOCKING STREETS OR HIGHWAYS. In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this Town, it shall be a class B misdemeanor for any person to:

- A. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.
- B. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.
- C. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

11-342. SIGNS. The Town council may authorize or direct any person employed by the Town to erect or install any sign or traffic control device required to enforce the provisions of this part.

11-343. NO PARKING. It shall be a class B misdemeanor to park or leave standing at any time a motor vehicle, as defined in The Uniform Act Regulating Traffic on

Highways, Chapter 6 of Title 41, Utah Code, as amended as adopted by this Town, except when necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

11-344. UNLAWFUL PARKING.

- A. Parking at curb. No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.
- B. Vehicles for sale. It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any business street.
- C. Loading Zone. When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.
- D. Parking Prohibited. It shall be unlawful for any person, except physicians on emergency calls or designated emergency vehicles when properly posted, to park any motor vehicle on any street in violation of the posted restrictions.
- E. Alleys. No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- F. Cab Stands - Bus Stands. No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.
- G. Parking Prohibited. It shall be an infraction for any person to park or leave standing on any public road, street, alley or Town property any motor vehicle for 48 or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the chief of police. For purposes of impoundment and removal, the chief of police may impound and remove any motor vehicle which reasonably appears to have remained unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

PART 11-350. CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS.

11-351. CONSTRUCTION BY PERSONS. It shall be unlawful for any person either as owner, agent, servant, contractor, or employee to construct a street or sidewalk which does not conform to specification established by the Town engineer or other authorized representative of the Town, unless special permission to deviate from such specification is first obtained from the Town council.

11-352. PERMIT REQUIRED - SUPERVISION.

- A. No person, either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk with first obtaining from the recorder a permit so to do. The permit shall specify that the sidewalk to be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the walk.
- B. It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper Town official.
- C. All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

11-353. CONSTRUCTION OF DRIVEWAYS OR CHANGES OF CONSTRUCTION. It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the recorder a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specification furnished by the Town.

11-354. BUILDING MATERIALS IN STREET-PERMIT. It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the Town council a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the Town council. Any such permit may be revoked by the Town council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the Town council, the public interest requires such revocation.

11-355. PLACING OR MIXING SAND OR GRAVEL ON PAVED STREET OR SIDEWALK. Unless a permit from the superintendent has been obtained, it shall be unlawful to:

- A. Place or pile, or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete, or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.
- B. Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk.

11-356. OVERFLOWING OF WATER ON PUBLIC PROPERTY. It shall be unlawful for any person to allow water to overflow from any ditch, canal, well, or irrigation stream onto the streets, sidewalks or property of the Town.

11-357. IRRIGATION DITCHES ACROSS SIDEWALKS. All owners or occupants of lots in this Town who require water from a main ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall

meet such reasonable standards and specifications as may be established by the superintendent of streets.

PART 11-360. SIDEWALK REGULATIONS.

11-361. REMOVAL OF SNOW.

- A. It shall be unlawful for the owner, occupant, lessor, or agent of any property, abutting on a paved sidewalk to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet thereon within a reasonable time after such snow, hail, or sleet has fallen. In the case of a storm between the hours of 5 p.m. and 6 a.m. such sidewalk shall be cleaned before 9 a.m. of the same day.
- B. It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material in the gutter so as to clog or prevent the free flow of water therein.

11-362. PLACING TRASH OR OTHER OBSTRUCTION IN STREETS, GUTTERS, SIDEWALKS. It shall be unlawful for any person owning, occupying or having control of any premise to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premise:

- A. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
- B. Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, except as expressly authorized by ordinance, without the permission of the Town council first had and obtained.
- C. Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except trees planted pursuant to the provisions of applicable ordinance.

11-363. DISCHARGE OF WATER ON STREET. It shall be unlawful for any person owning, occupying, or having control of any premise to fail, refuse or neglect to prevent water from the roof or eaves of any house, building, or other structure, or from any other source under the control of such person to be discharged upon the surface of any sidewalk.

11-364. CROSSING AT INTERSECTIONS. It shall be unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings.

11-365. BUSINESS TO KEEP SIDEWALK CLEAN. It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of 9 a.m.

11-366. PLACING GOODS ON SIDEWALKS FOR SALE OR SHOW. No goods, wares, or merchandise shall be placed, maintained or permitted for sale or show in or on any parking area, street, or sidewalk beyond two feet from the front line of the lot, without first obtaining the written approval of the Town council. Such approval shall be granted only when such sale or show shall be a promotional activity not exceeding 48 hours and when participated in by a majority of firms seeking approval in their

business areas. The Town council's written approval shall specifically provide that no goods, wares, or merchandise shall be placed in such a manner as to leave less than a six-foot passageway for pedestrians.

11-367. PLACING GOODS ON SIDEWALKS FOR RECEIPT OR DELIVERY. It shall be unlawful for any person to place, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than two hours.

11-368. PLAYING ON SIDEWALKS. Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction.

11-369. CONGREGATING ON SIDEWALKS. It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises.

PART 11-380. EXCAVATIONS.

11-381. PERMIT FRANCHISE REQUIRED.

- A. No person shall make an excavation in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the superintendent of streets or other authorized representative of the Town.
- B. No person shall excavate any sidewalk without first obtaining a permit from the superintendent of streets or other authorized personnel.
- C. Nothing contained in this part shall be construed to waive the franchise required for any person by the ordinances of this Town or laws of Utah.

11-382. EXCLUDED EXCAVATION. The following types of excavations do not come within the scope of this part:

- A. Excavations of any kind in Town streets in projects designed, contracted for, and inspected by the Town engineer or other authorized personnel of the Town.

11-383. SUBJECT EXCAVATIONS. The following types of excavations are subject to the provisions of this part:

- A. Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the Town or in other public places.

11-384. PREPARATION. The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch per

foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be removed immediately from the site of the work.

11-385. BACKFILL.

- A. Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be place in layers not over eight inches loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to insure compaction to a degree equivalent to that of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.
- B. The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

11-386. RESTORATION OF SURFACES.

- A. General. All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the Town council, in accordance with the specifications contained herein governing the various types of surfaces involved.
- B. Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.
- C. Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces, within five days from the date of completion of the backfill except for periods:
 - 1. When permanent paving material is not available.
 - 2. When weather conditions prevent permanent replacement.
 - 3. When an extension of time is granted by the superintendent of streets.
- D. Temporary Repair. If temporary repair has been made on paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

11-387. RESTORING BITUMINOUS. Concrete or asphalt street surfaces.

- A. Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous or concrete surface. Normally, this will require nine inches of gravel for bituminous surfaces, twelve inches of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1-inch sieve	100%
Passing 3/4-inch sieve	85%-100%
Passing No. 4 sieve	45%-65%
Passing No. 10 sieve	30%-50%
Passing No. 200 sieve	5%-10%

- B. Bituminous surface. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the superintendent of streets. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one-half inch between old and new work.

11-388. CONCRETE SURFACES. The sub-base for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches thick. The mixing, cement, water content, proportion, placement, and curing of the concrete will be approved by the superintendent of streets. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

11-389. CONCRETE BASE, BITUMINOUS WEARING SURFACES. This type of surfacing shall be constructed as above described.

11-390. GRAVEL SURFACES. Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in part 11-388 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

11-391. PROTECTION OF PUBLIC DURING EXCAVATION PROJECT. Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all the excavator's equipment is removed from the site and excavation has been backfilled and proper

temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closures or detour.

11-392. **RELOCATION AND PROTECTION OF UTILITIES.** An excavator shall not interfere with any existing utility without the written consent of the Town council and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by Town or private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this part that the permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The Town need not be made a party to any action because of this part. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

11-393. **JETTING PIPE.** Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the Town.

11-394. **INSPECTION AND ACCEPTANCE.**

- A. In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the recorder payable to the Town, except that a public utility operating or using any of the streets under a franchise form the Town will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the Town harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:
1. With good and sufficient surety.
 2. By a surety company authorized to transact business in the state.
 3. Satisfactory to the Town attorney in form and substance.
 4. Conditions upon the permittee's compliance with this part in order to secure and hold the Town and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the Town, the Town council or any Town office may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.

5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the Town, all opening and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.
- B. The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of surety or cash deposit shall be \$1000 and \$ 50 for each foot of street the permittee shall excavate.

11-395. APPLICATION FOR STREET EXCAVATION PERMIT. It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefore from the recorder. Any public utility regulated by the state of Utah or holding a franchise from the Town which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the Town to cover all excavations such utilities may make within the streets of the Town. All permits shall be subject to revocation and the Town may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the Town is notified as soon as practicable and a permit is applied for upon the next working day following the emergency.

TITLE 12-000.

PLANNING AND ZONING.

CHAPTER 12-100. The Planning, Zoning and Subdivision rules and regulations are contained in the Vineyard Town Development Code which is specifically adopted as a part hereof.

TITLE 13-000.

POLICE AND PUBLIC OFFENSES.TITLE 13-000. POLICE AND PUBLIC OFFENSES.

CHAPTER 13-100. POLICE.CHAPTER13-100.POLICE.

PART 13-101. POLICE DEPARTMENT. The Utah County Sheriff and his deputies shall act as the Police Department of the Town as provided for in the interlocal agreement between the County and the Town.

CHAPTER 13-200. ANIMAL CONTROL. Utah County shall provide animal control services to the Town pursuant to interlocal agreement between the County and the Town. The following provisions of the Utah County Code regarding animal control are hereby adopted by Vineyard Town as follows:

Article 5-1. Animal Control Regulations, Enactment

5-1-1. Adoption of Animal Control Ordinance. 5-1-2. Copies on File.

5-1-1. Adoption of Animal Control Ordinance.

There is hereby adopted by Vineyard Town for the purpose of establishing guidelines for animal control regulation, the body of law known as the 1989 Animal Control Regulations. Said regulations are hereby adopted in book form as provided for in Section 10-3-711(2)(a), Utah Code Annotated, 1953, as amended, and by this reference are made a part of this Chapter to the same extent and effect as though said regulations were copied herein in full.

5-1-2. Copies on file.

One (1) copies of each code adopted by section 5-1-1 are hereby ordered filed in the office of the Town Clerk for the use and examination by the public.

Article 5-2. In General

5-2-1. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) "Animal" means birds, reptiles, and mammals other than the genus homo sapiens.
- (b) "Animal at large" means any domesticated animal, whether or not licensed, not under restraint.
- (c) "Animal under restraint" means any animal under control of its owner or person having charge, care, custody, or control. Except that a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.
- (d) "Bite" means an actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.
- (e) "Cat" means any age feline of the domesticated types.

- (f) "Town" means the incorporated area of Vineyard Town.
- (g) "Town animal shelter" means the lot, premises, or buildings maintained by the Town for the confinement and care of the animals seized under the provisions of this Chapter.
- (h) "Town veterinarian" means the Town veterinarian, his agents or deputies.
- (i) "Department" means the Town Department of Animal Regulation, its agents and deputies.
- (j) "Coordinator" means the Town coordinator of the Department of Animal Regulation.
- (k) "Dog" means a *Canis familiaris* of either sex, altered, or unaltered, or any other member of the *Canis* genus if owned or kept.
- (l) "Dog license" means a properly completed and validated "dog license application- rabies certificate form" issued by the Town or other official dog licensing agency.
- (m) "Dog license application-rabies certificate form" means the official dog license application form issued by the Town. It is properly completed when it contains:
 - (1) The dog owner's name, address, and telephone number;
 - (2) The dog's name and description;
 - (3) The type, lot number, and manufacturer of the rabies vaccine;
 - (4) The date of vaccination;
 - (5) The signature of the veterinarian who vaccinated the dog or other signature authorized by him.
- (n) "Domesticated animal" means any animal accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, cattle, sheep, and goats.
- (o) "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on leash or under absolute control while working, so it cannot come into contact with the public.
- (p) "Impounded animal" means any animal taken into custody by the department as provided in this Chapter.
- (q) "Kennel" means any lot, building structure, enclosure or premises whereupon or wherein five (5) or more dogs over four (4) months of age are kept or maintained for any purpose. Including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.
- (r) "Leash" means any rope, leather strap, chain or other material being held in the hand of the person capable of control and actually controlling the animal to which it is tied.
- (s) "Licensed dog" means a dog wearing its current dog license tag as required by this Chapter.
- (t) "License tag" means a piece of metal or other durable material inscribed with a date and number which has been issued by Town or other official dog-licensing agency.
- (u) "Neutered" means having had the testicles removed; a castrated animal.
- (v) "Owner" means any person who is either the legal owner, keeper, possessor, or the actual custodian of an animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal.
- (w) "Quarantine" means the isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- (x) "Spayed" means having had the ovaries and uterus removed or extirpated; an ovariectomy.
- (y) "Stray" means an animal which is at large.
- (z) "Vaccinated dog" means a dog inoculated with an approved, currently valid, antirabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.

(aa) "Vicious animal":

(6) With a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or

(7) Which attacks a human being or other domestic animal without provocation.

(8) Which is trained or used as a fighting animal.

(9) This provision shall not apply to dogs owned or used by government entity.

(bb) "Wild animals" means any animals of a species that in their natural life are wild, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall be limited to:

(1) Alligators and crocodiles;

(2) Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;

(3) Cat Family (Felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;

(4) Dog Family (Canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;

(5) Porcupine (Erethizontidae);

(6) Primate (Non-human). All subhuman primates;

(7) Raccoon (Prosynnidae). All raccoons, including eastern raccoon, desert raccoon, ringtailed cat, etc.;

(8) Skunks;

(9) Venomous fish and piranha;

(10) Venomous snakes and lizards;

(11) Weasels (Mustelidae). All including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

(12) Despite the restrictions stated above, there shall be an exception granted to persons raising wild animals as defined for their pelts as a legitimate commercial purpose.

The keeping of any wild animal which existed prior to the effective date of this ordinance may be continued, except that if it is discontinued for one (1) year or more it shall then be deemed abandoned and any future keeping of wild animals shall be in conformity with this ordinance.

5-2-2. Penalty.

Any person violating any provision of this Chapter shall be guilty of a misdemeanor, and unless a different penalty shall be provided for such violation by this Chapter such violation shall be punished as provided in Part 1-320 of this Code.

5-2-3. Enforcement generally.

(aa) The department, each agent or deputy thereof who is assigned to duties which include the enforcement of animal regulation laws, and any peace officer, are responsible for enforcing the provisions of this Chapter and other provisions of state law which they have a duty to enforce.

(bb) Each of the individuals referred to in paragraph (a) above shall have the power to make arrests for violations of those provisions of this Chapter and of state law which he has a duty to enforce and to issue citations for such violations.

5-2-4. Right of entry for enforcement.

In the enforcement of any provision of this Chapter, any animal regulation officer or authorized agent or deputy may enter the premises of any person to take possession of any animal in violation of this Chapter.

5-2-5. Power and authority of animal regulation officer.

In the performance of his duties, the animal regulation officer is hereby vested with the power and authority of deputies within the County Sheriff's office. Badges of authority shall be issued by the County Sheriff, and the recipient thereof shall be duly sworn in as a Deputy Sheriff of the County.

5-2-6. Investigations.

The department, public health officer and any peace officer may enter privately owned land to investigate reports of vicious animals, rabies, or other contagious animal diseases, and to investigate violations of and enforce the provisions of this Chapter.

5-2-7. Hindering and obstructing enforcement.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal regulation officer from discharging his duties. Any person who shall hinder, delay, interfere with, or obstruct the animal regulation officer while engaging in capturing, securing or taking to the animal shelter any animal or animals to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter or ambulance, wagon or other vehicle used for the collecting or conveying of any animals to the shelter shall be deemed guilty of a misdemeanor.

5-2-8. Reserved.

5-2-9. Conditions of animal ownership.

Animal owners or keepers shall comply with the following conditions of animal ownership, and the department may require as a condition of licensing such owners or keepers to sign a contract agreeing to comply with such conditions:

- (a) Animals shall be restrained or confined as required by law.
- (b) Animals shall be humanely treated at all times.
- (c) Vaccinations, licenses, and permits shall be obtained as required by law.
- (d) Animal premises shall be kept sanitary and shall not constitute a fly-breeding reservoir, a source of offensive odors or of human or animal disease.
- (e) Animals and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard.

5-2-10. Wild animals.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild animal. Except for government agencies or otherwise as provided for by state or federal regulations.

5-2-11. Dogs running at large.

(a) It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for any violation(s) committed by the dog, regardless of whether or not the person knows the dog is running at large.

(b) However, dogs may be at large while participation in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement

duties, or while being trained for the above purposes so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions of law.

5-2-12. Cats.

It is unlawful for the owner or person having charge, care, custody, or control of any cat to allow such cat to run at large on the property of another. The owner or person charged with responsibility for a cat found running at large shall be strictly liable for any violation(s) committed by the cat, regardless of whether or not the person knows the cat is running at large.

5-2-13. Public nuisance.

The introduction, possession or maintenance of any animal, or the allowing of any animal to be in contravention of this Chapter is, in addition to being a misdemeanor, hereby declared to be a public nuisance. The department, public health officer, and peace officers, are hereby authorized directed and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

(a) Any animal which does any of the following shall be deemed a nuisance:

- (13) Causes damage to the property of anyone other than its owner or custodian;
- (14) Is a vicious animal as defined in this Chapter and kept in a manner contrary to this Chapter;
- (15) Causes unreasonable fouling of the air by odors;
- (16) Causes unsanitary conditions in enclosures or surroundings;
- (17) Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property unless the owner or custodian of such animal shall remove any such defecation to a proper trash receptacle. Unsighted persons while relying on a guide dog shall be exempt from this Section.
- (18) Barks, whines, or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion;
- (19) Molests passersby or chases passing vehicles;
- (20) Attacks other domestic animals;
- (21) Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of Chapter 10, Title 76, Utah Code Annotated (1953);

(b) An animal is a nuisance if it is determined by the department to be a nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.

(c) Any animals which, by virtue of the number maintained, are determined by the department to be offensive or dangerous to the public health, welfare or safety.

5-2-14. Attacks by dogs.

(a) Attacking dogs. It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase, or worry any person, any domestic animal having a commercial value, or any species of hooved protected wildlife, or to attack domestic fowl. "Worry," as used in this Section, means to harass by tearing, biting, or shaking with the teeth.

(b) Owner liability. The owner in violation of Subsection (a) of this Section shall be strictly liable for violation of this Section. In addition to being subject to prosecution under Subsection (a), the owner of such dog shall also be liable in damages to any person injured, or to the owner of any animal(s) injured or destroyed thereby.

(c) Defenses. The following shall be considered in mitigating the penalties or damages, or in dismissing the charge:

- (1) That the dog was properly confined on the premises;
- (2) That the dog was deliberately or maliciously provoked.

(d) Dogs may be killed. In accordance with Section 18-1-3, Utah Code Annotated, 1953, as amended, any person may injure or kill a dog while (1) the dog is attacking, chasing, or worrying: (a) a domestic animal having a commercial value; (b) a service animal, as defined in Section 62A-5b-102; or (c) any species of hoofed protected wildlife; (2) the dog is attacking domestic fowls; or (3) the dog is being pursued for committing an act described above.

5-2-15. Vicious animals.

(c) An animal control officer upon probable cause that a violation of this Section has occurred may require the owner or custodian of a vicious animal to deliver possession of the animal to an animal control officer. If after demand, the owner or custodian fails or refuses to deliver possession of the animal to an animal control officer, the animal control officer may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an animal control officer.

(d) An animal control officer may summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals.

(e) If an animal control officer cannot gain control of a vicious animal the officer may summarily destroy the animal.

(f) If a vicious animal is impounded without the knowledge of the owner or custodian, notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching a notice to a door at the residence thereof or by mailing a notice thereto.

(g) A vicious animal impounded by an order of a court acting pursuant to this Section shall be destroyed or otherwise disposed of as the court shall direct.

(h) A vicious animal impounded without a court order shall be held not less than five (5) days, after which it may be destroyed or otherwise disposed of as the supervising control officer may direct.

(i) The owner or custodian of an animal impounded other than by a court order may contest the impounding by filing a notice with the proper court within five (5) days after the impounding.

5-2-16. Possession of a vicious dog.

The possession of a vicious dog is unlawful unless it is restrained, confined, or muzzled so that it cannot bite or attack any person or animal. Dogs held in violation of this Section shall be deemed a public nuisance, and their continued possession or ownership shall be unlawful. The department may impound any such dog and dispose of it in any humane manner after five (5) working days to allow for legal restraining action by the owner. The following are conditions of ownership of any animal which is fierce, dangerous, or vicious:

(a) The dog must be kept in a heavy gauge wire dog run which is six (6) feet in height with a secure ceiling and floor.

(b) The dog must be kept on a leash and properly muzzled when out of its kennel.

5-2-17. Allowing vicious animals to go at large.

Any owner of a vicious animal, knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, and any animal while at large, or while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstances permitted, is guilty of a Class B Misdemeanor unless the animal causes the

death of a human being, whereupon the owner is guilty of a Class A misdemeanor.

5-2-18. Guard dogs.

Guard dogs shall be kept in such a manner so that they cannot come into contact with persons or other animals who are legally upon the premises where a guard dog is maintained. The property shall be posted with a sign clearly visible stating that a guard dog is on the premises.

5-2-19. Judicially excluded animals.

It shall be unlawful to bring any animal into Vineyard Town which has in any jurisdiction:

(a) been judicially determined to be vicious, a nuisance, or a threat to the health or safety of human beings.

(b) been judicially removed from any county or municipality for violations of the laws or ordinances which by their nature are also in violation of this Chapter.

5-2-20. Livestock.

The following provisions shall apply in all areas of incorporated Vineyard Town:

(a) For purposes of this subsection the term "Livestock" includes cattle, sheep, goats, swine, horses, mules, donkeys, poultry, and any other domestic animal or domestic fur bearer raised or kept for profit.

(b) It is unlawful for any person owning or having the custody, possession, or control of livestock to allow, either negligently or with specific intent, the animal to run at large.

(c) All fencing of property where livestock are kept shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.

(d) Any animal in violation of this section may be impounded.

(e) All persons owning or having the custody, possession, or control of livestock shall be strictly liable for all damages caused by any such livestock.

5-2-21. Cruelty to animals.

(a) A person commits cruelty to animals if he intentionally or knowingly;

(3) fails to provide any animal in his charge or custody with adequate food, drink, care, and shelter;

(4) abandons an animal in his custody;

(5) carries or confines any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal without adequate ventilation or for an unusual length of time.

(6) kills, maims, disfigures, tortures, beats with a stick, chain, club, or other object, mutilates, burns, scales, over-drives, overworks, or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.

(7) makes accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

(8) causes any animal, not including a dog, to fight with another animal or creature of like kind

for amusement or gain; or causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain.

(b) It is an affirmative defense to prosecution under this Section that the conduct of the actor towards the animal was by a licensed veterinarian using accepted veterinary practice, or directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

(c) Violation of this Section is a Class B Misdemeanor.

5-2-21.1 Dog fighting.

(a) It is unlawful for any person to:

(1) own, possess, keep, or train a dog with the intent to engage it in an exhibition of fighting with another dog;

(2) cause a dog to fight with another dog or cause a dog to injure another dog for amusement or gain;

(3) tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog; or

(4) permit or allow any act which violates Subsection (1), (2), or (3) on any premises under his charge; or to control, aid or abet any such act.

(b) Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenny, or other paraphernalia together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of Subsections (a)(2), and (a)(3).

(c) A person who violates Subsection (a) is guilty of a Class B Misdemeanor.

(d) It is unlawful for person to knowingly and intentionally be present as a spectator at any place, made for an exhibition of dog fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other occurrence of fighting or injury described in this Section. A person who violates this Section is guilty of a Class B Misdemeanor.

(e) Nothing in this Section shall be interpreted to prohibit any of the following:

(1) The use of dogs for the management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock;

(2) The use of dogs for hunting;

(3) The training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.

5-2-21.2 Animal fighting exhibitions.

It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, as prohibited by Subsection 5-2-21(a)(6), or to be present at such exhibition, regardless of whether any entrance fee has been charged. A person who violates this subsection is guilty of a Class B Misdemeanor.

5-2-21.3 Authority to arrest and take possession of dogs and property.

(a) A deputy animal control officer may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where preparations are being made for such an exhibition, and without a warrant arrest all persons present.

(b) Notwithstanding the provisions of Section 5-221.4, any authorized officer who makes an

arrest under Subsection (a) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Section 5-2-21(a)(6) or Section 5-2-21.1. The officer, at the time of that taking, shall state his name and provide other identifying information to the person in charge of the dogs or property taken.

(c) After taking possession of dogs, paraphernalia, implements, or other property under Subsection (b), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this Section. That affidavit shall include

- (1) the name of the person charged in the complaint;
- (2) a description of all property taken;
- (3) the time and place of the taking;
- (4) the name of the person from whom the property was taken;
- (5) the name of the person who claims to own the property, if known;

(6) a statement that the officer has reason to believe and does believe that the property taken was used or employed, or was to be used or employed, in violation of Section 5-2-21(a)(6) or 5-2-21.1 and the grounds for such belief.

(d) The officer shall deliver the confiscated property to the judge or magistrate who shall, by order place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made. The person so designated shall assume immediate custody of that property, and retain that property until further order of the court. Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as he may order. If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

5-2-21.4 Officers authority to take possession of animals—lien for care.

(f) Any law enforcement officer may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission of the owner destroy them.

(g) Officers caring for animals pursuant to this section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and amount due, at least five (5) days prior, shall order the animal sold at public auction or destroyed.

(h) Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall obtain the judgment of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. Its owner may be cited and/or charged for impound and sheltering fees.

5-2-22. Number of animals.

No person may harbor or possess more than four (4) dogs or more than four (4) cats, four (4) months of age or older without purchasing a kennel license or a hobby breeder's license. Ownership of more than four (4) cats without said licenses must be approved by the Animal Regulation Coordinator for a legitimate business purpose.

5-2-23. Kennel regulations.

(a) Definitions:

(7) "Cages" means individual, portable facilities for containing dogs.

(8) "Exercise yard" means an area enclosed by a fence of at least six (6) feet in height wherein dogs are allowed to run and exercise. Every portion of an exercise yard fence shall be separate and removed from any property boundary fence.

(9) "Fencing": unless otherwise authorized, shall mean a good grade commercial chain link, carried on solid posts set in concrete, suggested minimum is 11 gauge wire, 2 inch steel posts set on no greater than 10 foot spans.

(10) "Kennel" means any lot, building structure, enclosure or premises whereupon or wherein five (5) or more dogs over four (4) months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

(11) "Kennel building" means a permanent structure designed, intended, or used exclusively for the housing of dogs.

(12) "Kennel run (inside)" means the separated area inside a kennel building used for the interior housing of dogs.

(13) "Kennel run (outside)" means an area adjacent to a kennel building and enclosed by a fence at least six (6) feet in height.

(b) Requirements:

(1) License: Each kennel must have a current valid kennel license and a current valid business license in those areas which require a business license in addition to a kennel license. Such licenses are required to be displayed and readily available for inspection by any authorized person.

(2) Records: A kennel record must be kept available for inspection such record to show: The name, current address, and telephone number of the owner of the dog, the date the dog entered the kennel, the reason for its being in the kennel, i.e. for boarding, sale, breeding, grooming, etc., the description of the dog, (age, breed, sex, color, etc.). On any dog over four (4) months of age, a current valid rabies certificate shall be maintained as a part of this record, as long as the dog is maintained in the kennel.

(c) Physical facilities: The basic intent of these regulations is to see that all animals receive proper care, that they are being treated kindly, properly fed, and that their surroundings are being kept in a sanitary condition.

(1) Animal rooms

(A) Cage: Cage length and width shall exceed the animal's length from the base of the tail to the tip of the nose by at least six (6) inches. Cage height shall exceed the animal's height by at least four (4) inches. Small puppies may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of such material as to be maintained in a sanitary condition. Animals shall be removed from and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal. Diseased animals must be maintained apart from healthy animals in suitable and separate quarters.

(B) General: walls and floors shall be of material easily cleaned and kept in a sanitary condition. The room shall be properly screened, insect, and vermin proof. It shall be properly ventilated to prevent drafts and remove odors. Heating and cooling should be provided as required, with sufficient light (preferably natural) to allow observation of animals, and sanitation.

(2) Outdoor Facilities: Shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. They shall be adequately drained and maintained in a sanitary manner. Adequate and sanitary means of disposing of droppings shall be provided. All kennel runs shall be fenced (chain link or welded wire) such fence to be separate and apart from

property boundary fence. Kennel runs shall have a minimum free and clear area of ten (10) square feet per dog. Indoor shelter, except where animals are caged, shall have a minimum of six (6) square feet per dog. When the minimum area is provided it should be supplemented with exercise yards for dogs which are maintained for extended periods. Kennels shall not be left unattended for a period in excess of twenty-four (24) hours. All animals shall be supplied with sufficient good and wholesome food and fresh water as the feeding habits of such animals require.

All areas of kennel runs, yards, food storage, and auxiliary buildings shall be subject to inspection by authorized persons.

An emergency name, address, and phone number must be posted in a conspicuous place at the front of the property for use by authorized persons.

5-2-24. General regulations relating to animals.

Every person within Vineyard Town who owns any animal or who owns, conducts, manages, or operates any animal establishment for which a license is required is also required by this Chapter:

(i) Structural strength. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(j) All animals shall be supplied with sufficient good and wholesome food and fresh water as often as the feeding habits of the respective animals require.

(k) All animals and all animal buildings or enclosure shall be maintained in a clean and sanitary condition.

(l) All animals shall be so maintained so as to eliminate excessive odor and noise.

(m) No animal shall be without attention more than twenty-four (24) consecutive hours. Whenever an animal is left unattended at a commercial animal facility the telephone number of the department of animal control or the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property. However this provision shall not apply to livestock. Livestock shall be attended at reasonable intervals.

(n) Animals shall be treated humanely and no conditions shall be maintained or permitted that is or could be injurious to the animal.

(o) Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of the animal. All reasonable precautions shall be taken to protect the public from the animal and the animal from the public.

(p) Every building or enclosure wherein animals are maintained shall be constructed of a material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating, cooling, and shelter shall be provided as required according to the physical need of the animal, with sufficient light to allow observation of animals and sanitation.

(q) Medical treatment shall be provided as necessary in order to maintain the health of the animals.

(r) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

(s) Owners shall not allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear, or torment.

(t) All wild animals permitted pursuant to this Section shall be maintained in buildings, enclosed yards, or cages as specified by the coordinator and such shall be kept at distances from adjacent buildings as specified in the Vineyard Town Zoning Ordinance and the Utah County Health

ordinances.

Representatives of Utah County Sheriff's Department or other duly designated representatives of the Town may enter any premises where animals are maintained for investigation or inspection as to whether or not any portion of such premises, building, structure, enclosure, pen, or cage is being used, kept, or maintained in violation of this or any other Town ordinance. This Section does not permit any person to enter a private dwelling except where necessary to rescue an animal.

5-2-25. Hobby breeders. Reserved.

5-2-26. Loss of privilege to maintain dog in Town.

If the owner or custodian of any dog is convicted of any violation of this Chapter on three (3) or more different occasions during any twelve (12) month period the Town may issue an order denying the right of the owner or custodian to maintain a dog in the Town for a period of two (2) years. Prior to final denial of such privilege written notice shall be sent to the owner's or custodian's last known address informing the owner or custodian of the Town's intent to deny his privilege of maintaining a dog in the Town.

5-2-27. Injuries and communicable diseases.

No person shall knowingly harbor or keep any dog or other animal with a serious injury or afflicted with mange, ringworm, distemper or any other contagious disease, unless such a dog or other animal is, in the opinion of the department or the Town veterinarian, being given adequate treatment for such disease. The department or the Town veterinarian may take immediate possession of any such animal not being so treated or which is not responding to such treatment, and immediately dispose of the animal unless the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian.

5-2-28. Fees, charges, etc.

The fees and charges which may be imposed under the provisions of this Chapter shall be as determined and established by resolution by the Town Council from time to time and on file in the office of the town Recorder.

Article 5-3. Impoundment

5-3-1. Authorized.

The department, peace officers and persons employed for animal regulation purposes by the Town shall attempt to capture any animal found at large in violation of this Chapter and may destroy an animal at large if, in their judgment, such action is required for public health and safety.

5-3-2. Animals to be impounded.

The following animals may be taken into custody by an animal regulation deputy and impounded without the filing of a complaint:

- (a) Any vicious animal not properly confined as required by this Chapter.
- (b) Any animal running at large.
- (c) Any unlicensed animal which is required by this Chapter to be licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this section, except those dogs specifically exempted.

- (d) Sick or injured animals whose owner cannot be located.
- (e) Any abandoned animal.
- (f) Animals which are not wearing a rabies vaccination tag in accordance with the requirements of this Chapter.
- (g) Any animal to be held for quarantine.
- (h) Any animal being kept or maintained contrary to the provisions of this Chapter.

5-3-3. Capture by individuals.

Any person who finds an animal at large may take it into his possession and must within twenty-four (24) hours thereafter notify the department and surrender the animal to the department upon demand. No such action shall result in a charge against the Town. The finder of an animal at large shall use reasonable care to preserve it from injury; however, he shall not be held liable if the animal dies, escapes or injures itself while he is carrying out the provisions of this Section except as occasioned by his own negligence.

5-3-4. Information upon relinquishment.

Any person who relinquishes an animal to the department shall give his name, address and, if he is not the owner, the location where he found the animal.

5-3-5. Notice to owner.

Upon receipt of a lost or stray animal bearing a current year's license tag, the department shall immediately telephone or mail to the owner of record at the address indicated on the license form, a notice of the location of the animal. Compliance with notice requirements of this section shall be deemed as met if the department shall have mailed the notice to the owner of record at his address of record, postage prepaid.

5-3-6. Redemption by owner.

The owner of an impounded animal may claim it prior to its legal disposition by providing proper identification, meeting all the legal requirements, and paying the applicable redemption fees for impoundment, board, medical care, vaccination, and/or other costs.

5-3-7. Holding period.

The department shall hold an impounded lost or stray dog or cat for not less than three (3) working days if it was not wearing a current year's license tag when impounded and for not less than five (5) working days after notice is given pursuant to this Chapter if it was wearing a current year's license tag, so that the owner or custodian may claim it prior to other disposition.

5-3-8. Disposal of unredeemed animals.

The department may dispose of humanely, or may transfer to a new owner upon payment of the applicable fee, any impounded animal not claimed by its owner or custodian within the prescribed holding time. Animals relinquished by their owners may be humanely destroyed without regard to the prescribed holding time in order to alleviate suffering or to protect other impounded animals from exposure to a contagious disease.

5-3-9. Destruction of animals.

When, in the judgment of the Animal Regulation Coordinator, it is determined that an

impounded animal should be destroyed for humane reasons, disease control or to protect the public or animal regulation personnel from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

5-3-10. Redemption of unvaccinated animal.

(a) All unvaccinated animals at the Town animal shelter may be vaccinated before being released. The person taking custody of the animal shall pay for the cost of the vaccination before the animal is released.

(b) If veterinarian is not available then the owner of any impounded animal which has not been vaccinated as required by this Chapter upon satisfactory proof of ownership may redeem his animal by making a deposit of the fee as may be established by resolution of the Town Council from and be allowed ten days to get such animal vaccinated. If the owner fails to procure vaccination certificate within such 10 days, the deposit shall be forfeited and the animal shall be impounded. Upon presentation within such period of time of a certificate of vaccination issued under this Chapter, the deposit shall be refunded.

5-3-11. Vaccination.

Any animal impounded at the Town animal shelter may be vaccinated for disease control.

5-3-12. Establishment of animal disposal facilities.

The department shall establish at the Town animal shelter a humane procedure for euthanasia of animals. The department may, at its option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor of such animals shall first complete appropriate forms setting forth the facts constituting such ownership and/or possession, certifying that he has the right to request disposal of such animals and agree to hold the Town, its agents and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his knowledge, the animal has not bitten a human being or animal within the period established by this Chapter for isolation of biting animals and suspected rabid animals. Notwithstanding the foregoing, the department, the health officer, or the Town veterinarian may authorize, with permission of the owner if known, the euthanasia of a biting animal for the purpose of laboratory examination.

Article 5-4. Licensing and Registration

5-4-1. Licenses generally.

(a) Required. All dog owners, except tourists or visitors who stay less than one month in an area coming within the jurisdiction of this Chapter shall apply for and obtain a separate dog license for each dog they own, possess, keep, or harbor, after it is four (4) months old. Each license shall be issued by Vineyard Town, by duly authorized veterinarians. All dog owners must possess such license at the time the dog is four (4) months old or one month after obtaining or bringing into an area coming within the jurisdiction of this Chapter any dog over four (4) months of age. Dog owners shall renew the dog license before it becomes delinquent for as long as they own, possess, keep or harbor, or otherwise have custody of the dog. If renewal is not required, dog owners shall within two (2) months after the expiration date advise the department of the reason therefore. Licenses not purchased or renewed within fifteen (15) days after expiration, of the date on which

they become due, shall be considered delinquent and a late fee as determined by the Vineyard Town Council shall be added to the cost of the new license.

(b) Presumption that license required. Any dog is legally impounded according to the provisions of this Chapter shall be presumed to be a dog which, prior to impounding, required a license, regardless of such dog's actual age or owner's place of residence.

(c) Issuance. Upon presentation by the dog owner of a properly completed license application form including proof that the rabies vaccination will be valid throughout the license period, the proper license fee, and if applicable, a late or delinquent fee, the Town shall issue a validated dog license. The dog owner shall retain the dog license for inspection by any person charged with the enforcement of this Chapter.

(d) Validity; rabies vaccination prerequisite to issuance. Licenses shall be valid from the date issued until the expiration date. No dog shall be licensed without proof of approved rabies vaccination. No license may expire later than the expiration date of the rabies vaccination. An owner may purchase a license for twenty four (24) months depending upon the date and kind of vaccine used upon payment of the fee established by the Town Council. In the event the owner demonstrates proof of an unexpired rabies vaccination, the license fee shall be appropriately prorated.

(e) Lost or damaged tags; tags to be worn; exception. Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from the Town upon payment of the prescribed fee. Each dog required to be licensed shall wear at all times the current license tag assigned to that dog; except:

(3) when the dog is participating in any dog exhibition, field trial, or competition; or

(4) when the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog with which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. A license tag shall not be removed from any dog without the consent of the owner thereof.

(f) Duty of person issuing license. Each duly authorized person issuing a dog license for any dog shall complete the license in triplicate. He shall keep one copy any shall give one copy to the owner of the licensed dog, which the owner shall retain in his possession. He shall file the other copy with the Town on a monthly basis.

(g) Transfer license.

(1) Owners of dogs having a current license issued by another dog licensing agency may upon proof of license issued by said agency be issued a Town dog license upon payment of the applicable transfer fee. The rabies vaccination for any such dog must be valid for the duration of the license issued.

(2) Whenever the ownership of a licensed dog changes, the new owner shall apply for and obtain a transfer license and pay the applicable fee.

(3) The address of the owner is presumed to be the address where the dog is kept. Any change of address must be reported to the Town within one month following such change.

(4) Dog owners or the parent or guardian of minor children who sell or otherwise transfer the ownership or custody of a dog shall within one month thereafter inform the department of the name, address and telephone number of the new owner and the name and description of the dog. If the ownership or custody of a vicious dog is transferred, the owner or the custody of a vicious dog is transferred, the owner or the parent or guardian of minor children shall, in addition, advise the new owner in writing of the details of the dog's record and provide the department with a copy thereof containing an acknowledgment by the new owner of his receipt of the original.

5-4-2. Exceptions.

The provisions of this Article shall not apply to the following:

(c) Transient, show dogs. Dogs whose owners are nonresidents temporarily within the Town for thirty (30) days or less, or dogs brought into the Town for purpose of participating in any dog show.

(d) Dog maintained in a licensed kennel. Any dog which has not reached the age of four (4) months or any dog kept or maintained exclusively in a licensed kennel shall not be registered and no fee is required.

(e) Seeing eye, hearing and law enforcement dogs. Any dog which has been duly or properly trained to assist the blind, deaf, or law enforcement personnel and is currently acting in that capacity.

(f) Dogs maintained by impecunious person. If any person shall furnish evidence satisfactory to the department that such person, by reason of unavoidable poverty, merits exemption from the payment of any fees or charges by this Chapter, the dog shall be registered but the Town shall waive the payment of any such fees or charges.

(g) Police Service Dogs.

5-4-3. Vaccination—Dogs.

(a) Vaccination required. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within one month after it becomes four (4) months of age, or within one month after obtaining any dog over four (4) months of age. It shall be unlawful for any person or persons to own, keep, harbor, or possess or to have in his or her care, charge, or custody, any dog four (4) months of age or over unless such dog has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

(b) Exemption from rabies vaccination during illness. Notwithstanding any other provisions of this Chapter, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness. Old age, debility and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by the department and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt a dog from the licensing requirement.

5-4-4. Same—Cats.

Cat owners shall obtain a rabies vaccination for each cat they own, keep, harbor, or have custody of, within one month after it becomes four (4) months of age, or within one month after obtaining any cat over four (4) months of age. It shall be unlawful for any person or persons to own, keep, harbor, or possess or to have in his or her care, charge, or custody, any cat four (4) months of age or over unless such cat has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in cats. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

5-4-5. Voluntary registration of cats.

The owner of any cat may, upon submission of proof of rabies vaccination, certified to by a licensed veterinarian, and upon payment of the fee established by resolution of the Town Council, be issued a license certificate and tag. No person shall remove a registration tag from a cat without the consent of the owner thereof. Licensing shall be valid for the period of rabies vaccination. The obtaining of such a license shall be optional on the part of the owner.

Article 5-5. Rabies Control

5-5-1. Report of bites.

All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the department or County Health Department immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

5-5-2. Report of suspected rabid animals.

Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the department or County Health Department and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the department or City-County Health Department.

5-5-3. Quarantine for ten (10) days for biting or suspected rabid animals.

Upon the reasonable order of the department or public health officer, a biting or suspected rabid animal shall be at the owner's expense if owned, in strict confinement under property care and under the observation of a licensed veterinarian in an animal shelter, veterinary hospital, or other adequate facility in a manner approved by the department or County Health Department.

5-5-4. Examination of head.

Any biting or suspected rabid animal or bat may be humanely euthanized immediately by the Town or the health department, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing the fluorescent antibody test to demonstrate the presence of rabies.

5-5-5. Domesticated animals.

The provisions of section 5-5-4 notwithstanding, if the biting or suspected rabid animal is of the domesticated variety that is owned or obviously could have an owner, said animal shall be confined for a period of ten (10) days to allow time for an attempt to locate an owner unless the Town veterinarian or other licensed veterinarian shall reasonably deem it necessary to sacrifice the animal for the purpose of laboratory examination.

5-5-6. Release.

Ten (10) days after the day of infliction of a bite by an animal, said animal may be released to its owner or sold by the Town after a licensed veterinarian has examined that animal and in his opinion found it not to have had rabies in a transmittable state on the day of infliction of said bite. Non-immunized animals shall be vaccinated for rabies before release to owner.

5-5-7. Animals possibly exposed to rabies.

Any animal of a species subject to rabies which has been bitten by a known rabid animal or bat, or which has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the Town or public health officer and observed by a licensed veterinarian for a period of six (6) months or destroyed. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the State veterinarian, the dog or cat may be revaccinated in a manner prescribed by the Town or the health department and isolated in strict confinement in a place and manner approved by the Town or public health officer and observed by a licensed veterinarian for a period of thirty (30) days.

PART 13-400. ESTRAYS.

13-401. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY. It is hereby made the duty of the poundmaster to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. Whenever the word "estrays" appears in this part, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner.

13-402. NOTICE OF SALE OF ESTRAYS. Within three days after an estray shall come into the possession of the poundmaster, he shall advertise the same in a newspaper published in and having general circulation in the county by publishing a notice in at least one issue of the newspaper, and by posting notices for a period of ten days in three public places in the town, one of which places shall be at or near the post office. He shall immediately deliver a copy of such notice to the county clerk or mail the same to him by registered letter. The notice so filed with the clerk should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all marks, and brands, when taken, and the day, hour, and place of sale, and may be substantially in the form of the figure shown in appendix A of this ordinance.

13-403. RETURN TO THE OWNER ON PAYMENT OF COSTS - SALE. If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the poundmaster shall deliver them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animals are not so claimed and taken away, he shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially in the form of the figure shown in appendix A of this ordinance. The poundmaster shall immediately file a copy of such bill of sale with the county clerk or forward the same to him by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

13-404. **RECORD OF ESTRAYS.** The poundmaster shall keep an accurate record of all estrays received by him, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the treasury, and all other matters necessary to the compliance with the provisions of this part. The town council shall provide the poundmaster with a suitable book in which shall be entered the records required by law to be kept by the poundmaster. Such records shall be open to inspection of the public at all reasonable hours, and shall be deposited by the poundmaster with his successor in office.

13-405. **TRESPASSING ANIMALS - DAMAGING - IMPOUNDING.** If any cattle, horses, assess, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or be detaining and impounding the animals in the manner provided.

13-406. **APPRAISEMENT OF DAMAGES.** The owner or occupant of any property may detain any or all of said animals trespassing or doing damage thereon. He shall, within 24 hours thereafter, deliver said animals to the poundmaster together with a certificate of the appraisal of the damage done by such animals. Such appraisal must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisal and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.

13-407. **OWNER TO BE NOTIFIED.** The person detaining the animals must, if the owner of the same be known to him and if he resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such certificate of appraisal; but if the owner does not live within ten miles of the place of trespass, the party detaining the animals may at his option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He shall be entitled to charge 75 cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and 30 cents for each additional mile, to be taxed as costs against the animals.

13-408. **FAILURE TO NOTIFY WAIVES DAMAGES.** If the party detaining any animals shall fail to deliver them or the certificate of appraisal to the poundmaster within 48 hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisal within 24 hours after he receives the

same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provision of this part.

13-409. WHERE OWNER UNKNOWN - DUTY OF POUNDMASTER.

Whenever any animals are delivered to the poundmaster and the certificate of appraisement is filed with him as herein provided and such certificate states that the owner is unknown, the poundmaster shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained thereby or if the owner is already known to the poundmaster, he shall, if the owner lives within ten miles, immediately deliver a copy of such certificate of appraisement to such owner, or leave the same at his residence if he cannot be found. If the owner lives more than ten miles away, the poundmaster may at his option deliver such copy personally to the owner, or deposit the same in the nearest post office in a registered letter addressed to such owner. He shall, however, serve a copy in one of the ways provided herein; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

13-410. NOTICE OF SALE OF DISTRAINED ANIMALS. As soon as any such animals are delivered to the poundmaster, he shall immediately proceed to advertise the same as hereinafter provided except when the owner is known and has been notified, in which case he shall hold said animals 48 hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three public places in the town, one of which shall be at or near the post office, and he shall deliver a copy of the same to the county clerk or send the same by deputy or by registered mail. The clerk should preserve such notice and post a copy thereof. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall be not less than ten or more than 20 days from the time of posting such notice. The notices shall be substantially in the form shown in appendix A.

13-411. OWNER MAY PAY AND TAKE ANIMALS - DISPUTED APPRAISAL. The owner of any trespassing animals taken up under the provisions of this part may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisement and the accrued costs, and if such animals are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he shall pay his proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he may choose another appraiser having qualification herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.

13-412. **SALE - BILL OF SALE.** If such animals are not claimed and taken away by the owner, the poundmaster shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the poundmaster shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the poundmaster shall proceed to sell all of said animals so advertised for sale. He shall execute and deliver a bill of sale therefore, and file a copy with the county clerk as hereinbefore provided.

13-413. **REDEMPTION WITHIN NINETY DAYS.** The owner of any trespassing animals sold under the provisions of this part may, at any time within 90 days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with an additional ten percent and reasonable compensation for care and keeping of the same. If such purchaser or assignee refuses to give up such animals on the owner proving his title to the same and on his tendering the amount due as herein provided, such owner may maintain any action at law to recover the same, provided that the purchaser or any assignee who has disposed of such animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchaser or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, if he fails to do so, he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefore.

13-414. **OWNER ENTITLED TO RESIDUE OF PROCEEDS.** If any estrays or trespassing animals sold under the provision of this part shall, within a period of six months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the town, provided that in case there is a contest between two or more persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same.

13-415. **RECORD OF TRESPASSING ANIMALS.** The poundmaster shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction.

13-416. **RETAKING ANIMAL UNLAWFULLY.** It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same

under the provision of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking or attempting to take up such animals.

CHAPTER 13-500. GENERAL POLICE POWERS.

PART 13-510 ADOPTION OF STATE AND COUNTY CODE SECTIONS. The following sections of the Utah State Code and County Code are hereby adopted by Vineyard Town and may be referenced by the County Code numbers set forth below.

13-1-1. Adoption of Utah Criminal Code.

The Utah Criminal Code, Sections 76-1-101 et seq., of the Utah Code, is hereby adopted as a Vineyard Town Ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a Town ordinance is not adopted.

13-1-2. Adoption of Utah Code of Criminal Procedure.

The Utah Code of Criminal Procedure, Sections 771-1 et seq. of the Utah Code, is hereby adopted as a Vineyard Town Ordinance.

13-1-3. Adoption of Utah Controlled Substances Act.

The Utah Controlled Substances Act, Sections 5837-1 et seq. of the Utah Code, is hereby adopted as a Vineyard Town Ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a Town ordinance is not adopted.

13-1-4. Adoption of Imitation Controlled Substances Act.

The Imitation Controlled Substances Act, Sections 58-37b-1 et seq. of the Utah Code, is hereby adopted as a Vineyard Town Ordinance. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a Town ordinance is not adopted.

13-2-1. Representation of articles sold at auction.

All auction sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts in respect to quality of merchandise being sold.

13-2-2. Boosters at auctions.

No person shall act in any sale by auction as a by-bidder or "booster" to bid in behalf of the auctioneer or owner, or to run up the price of the article to be sold, or make any false bid.

13-2-3. Resisting or obstructing a peace officer.

A person who knowingly resists or obstructs the performance, by one known to the person to be a peace officer, of any authorized act within his official capacity, shall be punished as provided in Part 1-320 of this Code.

13-2-4. Obstructing service of process.

Whoever knowingly resists or obstructs the authorized service or execution of any civil or criminal

process or order of any court shall be punished as provided in Part 1-320 of this Code.

13-2-5. Refusing to aid an officer.

Whoever upon command refuses or knowingly fails reasonably to aid a person known by him to be a peace officer in apprehending a person whom the officer is authorized to apprehend, or to prevent the commission by another of any offense, shall be fined not to exceed one hundred dollars (\$100.00).

13-2-6. Personating a public officer.

Any person who falsely personates a public officer, sheriff, deputy sheriff, justice of the peace, coroner or notary public or other peace officer of any character whatsoever, and in such assumed character arrests or detains or attempts or threatens to arrest or detain, or otherwise intimidates or searches the person, building or other property of any person, or obtains money, or property or other thing of value, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Part 1-320 of this Code.

13-2-7. Sale of tobacco to minors.

Any person who sells, gives or furnishes any cigar, cigarette or tobacco in any form, to any person under the age of nineteen (19) years is guilty of a misdemeanor.

13-2-8. Purchase or possession of tobacco by minors.

Any person under the age of nineteen (19) years who buys, accepts or has in his possession any cigar, cigarette or tobacco, in any form, is guilty of a misdemeanor.

13-2-9. (RESERVED).

13-2-10. (RESERVED)

13-2-11. (RESERVED)

13-2-12. (RESERVED)

13-2-14 (RESERVED)

13-2-15 (RESERVED).

13-2-16. Prohibited Targets.

No person within the incorporated area of Vineyard Town including state and federal public lands, shall use or possess with intent to use as a target, any object, either solid, liquid, vapor, or particulate that will shatter, break apart, fragment, ignite, or explode, that may create a hazard or nuisance to any persons, property, public lands, wildlife, or livestock. This ordinance does not apply (1) to any objects used as targets commonly referred to as clay pigeons, sporting clays, or objects of a similar nature, and (2) any private property owner on his property, or any person on

the private property owner's property in possession of written permission from the property owner to engage in recreational shooting activities on the property.

13-3-1. Adoption of 76-10, Part 5: Weapons, of the Utah Code.

Title 76, Chapter 10, Part 5: Weapons, Sections 501 to 525 of the Utah Code is hereby expressly adopted as a Vineyard Town Ordinance. Any part of said code which cannot be legally imposed for a violation of a Town ordinance is not adopted.

13-3-2. Children to be accompanied by adults while hunting with or discharging any weapon. As used in this section, "accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting. A person under the age of 14 years must be accompanied by his or her parent or legal guardian, or other responsible person of the age of 21 years or older and approved by his or her parent or guardian, while hunting with, or discharging any, weapon. A person of at least 14 years of age and under 16 years of age must be accompanied by his or her parent or legal guardian, or other responsible person of the age of 21 years or older and approved by his or her parent or guardian while hunting big game with any weapon. A person of at least 14 years of age and under 16 years of age must be accompanied by a person of the age of 21 years or older while hunting wildlife other than big game, with any weapon—or while discharging any weapon. A person under the age of 12 years is not permitted to hunt for protected wildlife except as provided by rules of the Wildlife Board of Utah State.

13-3-3. Discharge of weapons.

(a) A person may not, without written permission from the owner or other person in charge, discharge a firearm across, into, or within 600 feet of:

a house or dwelling, or any structure where an animal is kept or fed including a barn, poultry yard, corral, feeding pen, or stockyard, or orchard, standing cornfield, standing silo, vehicle, or farm equipment.

(b) Hunting of any wildlife, or the discharging of any firearm is prohibited within the boundaries of all state parks except those designated by the Division of Parks and Recreation (R651-603-5 Utah Administrative Code).

Hunting with, or the discharging of, a rifle, handgun, or a muzzle-loader in, or within one mile of all state park facilities designated "open"—including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches—is prohibited.

Hunting with, or the discharging of, shotguns and archery tackle is prohibited within one quarter of a mile of the above stated park areas.

(c) Nothing herein shall prohibit the possession and use of firearms at an approved Shooting Range during the appropriate hours of operation.

13-3-4. Night hunting restricted; exceptions, penalties.

(a) Pursuant to Utah Code Section 23-13-17 hunting at night is permitted under the following conditions:

The hunting shall be for coyote, red fox, striped skunk, or raccoon and no other form of terrestrial or avian wildlife. Any artificial light used to spotlight the animal must be carried by the hunter.

A motor vehicle headlight or light attached to, or powered by a motor vehicle may not be used to

spotlight the animal. While hunting with the use of an artificial light, the hunter may not occupy or operate a motor vehicle. The only firearm permitted for night hunting will be a shotgun using shot that is #2 size or smaller.

(b) The term "spotlight" or "spotlighting" means casting the rays of any artificial light on any highway, in any field, woodland, forest or other land while having in possession a weapon by which protected wildlife may be killed.

(c) The term "motor vehicle" shall have the meaning as defined in Utah Code Section 41-6-1.

(d) Nothing in this Section shall prevent any land owner, or the land owner's agent from using an artificial light, or reasonably and carefully discharging a firearm at any time on lands under his control for the purpose of protecting livestock, so long as he does not endanger human life.

(e) Nothing in this Section shall prevent any peace officer, or conservation officer in the performance of his duties, from the use of an artificial light, or discharging a firearm at any time. Nighttime, or night, within the meaning of this section, shall be that time from one-half hour after sunset to one-half hour before sunrise. Any person who violates any provision of this Section is guilty of a misdemeanor and, upon conviction thereof, may be fined in any sum up to one thousand dollars (\$1,000.00), or by imprisonment in the County Jail not to exceed six (6) months, or by both such fine and imprisonment. Nothing in this Section shall prevent a person from night hunting for the express and limited purpose of conducting bona fide scientific research and study sanctioned by the Utah State Division of Wildlife Resources or the U.S. Division of Wildlife Resources, when said person shall have first obtained written approval from the office of the Utah County Sheriff. Nothing herein shall grant any person the right to trespass upon private, Town, state or federal property.

Article 13-4. Large Public Assemblies

13-4-1-1. Definition. For the purposes of this Article, the word "assembly" shall mean a group or company of persons gathered together at any location at any single time for any purpose.

13-4-1-2. Enforcement and penalty. The provisions of this Article may be enforced by injunction in any court of competent jurisdiction. The holding of an assembly in violation of any provisions or condition contained in this Article shall be deemed a public nuisance and may be abated as such.

Any person who violates the provisions of this Article shall be punished as provided in Part 1-320 of this Code.

13-4-1-3. Exceptions. The provisions of this Article shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held. This Article shall not apply to government-sponsored fairs held on regularly established fairgrounds.

13-4-1-4. Maximum number of people assembled. A license issued under the provisions of this Article shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

13-4-2. License

13-4-2-1. Required. No person shall permit, maintain, conduct, undertake, or manage, an actual or reasonably anticipated assembly of two hundred fifty (250) or more people which continues or can reasonably be expected to continue for twelve (12) or more consecutive hours, whether on public or private property unless a license to hold the assembly has first been issued by the Town Council.

13-4-2-2. Application. Application for a license to hold an actual or anticipated assembly of two hundred fifty (250) or more persons shall be made in writing to the Town Council at least thirty (30) days in advance of such assembly. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group. The application shall contain and disclose: the name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten (10) per cent or more of the stock of said corporation; the address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property; proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of two hundred fifty (250) or more persons; the nature or purpose of the assembly; the total number of days and/or hours during which the assembly is to last; the maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the Zoning Ordinances of the Town if the assembly is to continue overnight; the maximum number of tickets to be sold, if any; the plans of the applicant to limit the maximum number of people permitted to assemble; the plans for fencing the location of the assembly and the gates contained in such fence; the plans for supplying potable water including the source, amount available and location of outlets; the plans for providing toilet and lavatory facilities, including the source, number and location, type, and the means of disposing of waste deposited; the plans for holding, collection, and disposing of solid waste material; the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service; the plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps; the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots; the plans for telephone service including the course, number and location of telephones; the plans for camping facilities, if any, including facilities available and their location; the plans for security including the number of guards, their deployment, and their names, addresses,

credentials and hours of availability; (r) the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability; the plans for fire protection including the number, type, and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment; and the plans for food concessions and concessions who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers. The application shall include the bond required and license fee.

13-4-2-3. Fee. The fee for each license to hold a large public assembly shall be one hundred dollars (\$100.00) for each day until increased or decreased by resolution of the Town Council.

13-4-2-4. Bond. Before any license shall be issued under the provisions of this Division, a cash or surety bond in the amount of two thousand dollars (\$2,000.00) for every 250 people permitted to be assembled during the course of the assembly, shall be filed by the applicant with the Town Clerk /Auditor. In the event more than one thousand people are permitted to be assembled during the course of the assembly, the bond amount required shall be no greater than eight thousand dollars (\$8,000.00). Such bond shall be conditioned for the prompt cleaning of any debris or waste material produced or left by the assembly. In the event all debris and waste material is removed from the property where the assembly is held within 24 hours after the expiration of the permitted assembly time, the bond shall be promptly returned to the applicant. In the event all debris and waste material is not removed from the property where the assembly is held within 24 hours after the expiration of the permitted assembly time, Vineyard Town may enter the property and remove any remaining debris and waste material. Vineyard Town may then make a claim against the bond for the actual cost of removing the remaining debris and waste material. Any remaining bond proceeds shall be promptly returned to the applicant.

13-4-2-5. Issuance. The application of a license required by the provisions of this Division shall be processed within twenty (20) days of receipt and shall be used if all conditions are complied with.

13-4-2-6. Effect of issuance. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

13-4-2-7. Revocation. The license issued under the provisions of this Division may be revoked by the Town Council at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

13-4-2-8. Judicial Review. In the event a permit is not granted, the applicant has the right to have the denial reviewed by the District Court of the State of Utah pursuant to the provisions of Rule 65B of the Utah Rules of Civil Procedure. .

13-4-3. Minimum Facilities

13-4-3-1. Compliance. Before he may be issued a license required by the provisions of this Article, the applicant therefore shall provide proof that he will comply with all provisions of this

Division at his own expense before the assembly commences.

13-4-3-2. Maximum accommodations. Before he may be issued a license required by the provisions of this Article, the applicant therefore shall first determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the Zoning or Health Ordinances of the Town.

13-4-3-3. Fence. A fence completely enclosing the proposed location of the assembly shall be provided, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one at or near four (4) opposite points of the compass.

13-4-3-4. Potable water. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day, shall be provided at the proposed location for the assembly.

13-4-3-5. Toilet facilities. Separate enclosed toilets for males and females shall be provided at the assembly location, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall also be provided with each toilet.

13-4-3-6. Solid waste disposal. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2½) pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight-fitting lids and personnel to perform the task, shall be provided at the location of the proposed assembly.

13-4-3-7. Medical attention. Physicians and nurses licensed to practice in the State sufficient to provide the average medical care enjoyed by residents of the State for the maximum number of people to be assembled at the rate of at least one physician for every one thousand (1,000) people and at least one nurse for every one thousand five hundred (1,500) people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times shall be provided at each assembly coming under the provisions of this Article.

13-4-3-8. Illumination. If the assembly is to continue during the hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, shall be provided at the assembly.

13-4-3-9. Parking. A free parking area inside the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four (4) persons, shall be available at any assembly coming under the provisions of this Article.

13-4-3-10. Telephone service. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and received for each one thousand (1,000) persons.

13-4-3-11. Camping facilities.

If the assembly is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled shall be provided.

13-4-3-12. Security. Security guards, either regularly employed, duly sworn off-duty peace officers of the State, or private guards, licensed in the State or Town, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every two hundred fifty (250) people shall be provided at each assembly coming under the provisions of this Article.

13-4-3-13. Fire prevention. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment shall be provided at each assembly coming under the provisions of this Article.

ARTICLE 13-5 MASSAGE

13-5-1-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:

(a) "Massage" means a manual or mechanical manipulation of the parts of the body, as by rubbing, kneading, slapping or the like used to promote circulation, relax the muscles, etc., as in deep muscle therapy and/or by the use of Turkish, Russian, Swedish, vapor, electric, salt, mineral, magnetic, hydro or other kind or character of baths.

"Massage parlor" means public or private establishments where licensed masseurs are hired, act individually, or act as an association, firm, or corporation which engages in, conducts, carries on, or permits to be carried on, any business of giving massages.

"Masseur" means any person not otherwise duly licensed by the Department of Registration of the State to practice those treatments referred to above, who engages in, conducts, or carries on the giving of treatments to another person by the application of manual and/or mechanical

manipulation or massage, fomentation, bath, or electric massage procedure, heat, light, exercise, or other similar procedures, for a fee.

13-5-1-2. Treatment restricted.

It shall be unlawful for any person to administer, for hire or reward to any person of the opposite sex, any massage, any alcohol rub or similar treatment any fomentation, any bath or any electric or magnetic treatment, nor shall any person cause or permit in or about his place of business or in connection with his business, any agent, employee or servant or any other person under his control or supervision to administer any such treatment to any person of the opposite sex.

This Section shall not apply to any treatment administered in good faith in the course of the practice of any healing art by any person licensed to practice any such art or profession under the provisions of the Utah Code Annotated, 1953, or of any other law of this State.

13-5-1-3. Health standards.

When the County Board of Health has probable cause to believe that the examination of a masseur for communicable diseases is necessary for the health and safety of the masseur or the public, it may require a masseur to submit to a physical examination of a type to be determined by said Board of Health. All massage parlor establishments, or private homes utilized by such practitioners, must meet the County Board of Health regulations.

Division 13-5-2. License

13-5-2-1. Required.

It shall be unlawful for any person to operate, conduct, carry on or maintain a massage parlor or engage in the business of a masseur in this Town without first obtaining a license to do so.

13-5-2-2. Application.

Application for a masseur or massage parlor business shall be made according to the provisions of Chapter 11 of this Code.

Article 13-6. Registration of Entertainers

13-6-1. Coverage of Article.

The persons and establishments covered by this Article shall be as follows: All persons gainfully employed by any establishment dispensing alcoholic beverages and involved in the actual dispensing of same, including all professional dancing girls, all female impersonators, and all other professional entertainers in the premises, the above to include doormen or those engaged in checking identification. All persons gainfully employed by an establishment which does not dispense alcoholic beverages but does employ dancing girls, female impersonators, or other professional entertainers which is completely or partially owned by an establishment or person which does dispense alcoholic beverages.

The above shall include all persons, whether employed on a contractual basis or by a fixed salary, but it may exclude only those persons who appear as a licensee by the Town for that particular establishment.

13-6-2. Penalty for violation.

Any person in violation of this Article or any part thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the County Jail for not more than three (3) months, or by both such fine and imprisonment.

13-6-3. Cards required.

All persons employed by an establishment governed by this Article must have in their possession a valid Sheriff's registration card.

13-6-4. Procedure for obtaining card.

Prior to commencing employment, the employee must obtain a signed registration application from the employer, and provide the Sheriff's Department with two one and one-half (1½) inch by one and one-half (1½) inch photographs. Any male or female applicant between eighteen (18) and twenty-one (21) years of age, who, by reason of his or her appearance, causes the Sheriff's examiner to doubt the truth of his or her stated age, may be required to furnish satisfactory documented proof of his or her age; All Sheriff's card numbers obtained under the provisions of this Chapter are to be registered by the employer personnel or payroll section, kept as a part of the record of the employee. The person or persons designated by each establishment as the agent(s) responsible for hiring and/or checking employees under the provisions of this Article, shall examine each employee's or prospective employee's Sheriff's card for the purpose of determining the validity of the card for use in the particular establishment concerned, such validity to be determined by the name of the concerned establishment being stamped on the back side of the Sheriff's card in red ink. If the prospective employee's card is found to be invalid as described above, he will be issued a new signed application form which must be completed and presented along with his Sheriff's card to the Sheriff's Department for validation, prior to commencing employment.

13-6-5. Fees.

All persons processed under this Article shall be charged an original fee of two dollars (\$2.00). In the event the original Sheriff's registration card is lost or destroyed, an additional fee of one dollar (\$1.00) shall be charged for the duplicate card.

13-6-6. Issuance restricted.

Sheriff's registration cards shall not be issued under the provisions of this Article to any person who has been convicted of a felony, or any other crime or crimes, which, at the Sheriff's discretion, may be considered injurious to any establishment whose employees fall under the provisions of this Article.

13-6-7. Nontransferable.

Registration cards issued under the provisions of this Article shall not be transferable.

13-6-8. Grounds for revocation.

The Sheriff may revoke or suspend registration cards issued under the provisions of this Article if the holder:

- (a) has been convicted of a felony or any crime involving moral turpitude;
- (b) has obtained a registration card by fraud or deceit;

(c) has failed to pay required fees;
(d) has violated the laws of the State or the ordinances of the Town regulating the work of the permit holder; or (e) has procured, attempted to procure, or agreed to procure, for any person: another person for the purpose of sexual intercourse or any immoral act, or a controlled substance as defined in Section 58-37-1, et seq., U.C.A., 1953, as amended.
(f) has utilized his registration card for the purpose of obtaining credit, or as identification for cashing checks.

Any person whose Sheriff's registration card has been revoked or suspended by the Sheriff may appeal within fifteen (15) days from the date of the suspension or revocation to the Town Council for a hearing regarding reinstatement of the registration card. The Council shall then schedule a hearing.

Article 13-7. Curfew Ordinance

13-7-1. Purpose.

The governing body of Vineyard Town finds, due to a seemingly ever increasing incidence of violence and other crime among juveniles in Vineyard Town, being both drug related and gang related, that such crimes may be significantly inhibited and reduced by the enactment and enforcement of local law establishing a curfew prohibiting juveniles from remaining idly and purposelessly on the public streets late at night.

13-7-2. Definitions.

"Care and custody" means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.

"Emergency errand" means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potential criminal activity, or fire or other accident and shall include the seeking of aid and assistance from medical or emergency response personnel or the purchase of medications.

"Minor" means any unmarried, unemancipated person who is not a member of the armed forces of the United States and who is under the age of sixteen (16) years for the purposes of Section 3 hereof or who is under the age of eighteen (18) years for the purpose of Section 4 hereof.

"Public places" means any place open to the public whether privately owned, including but not limited to, parking lots and the interiors and exteriors of commercial establishments such as restaurants, stores or places of entertainment.

13-7-3. Sixteen-year-old curfew.

It shall be unlawful for any minor under the age of sixteen (16) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Vineyard Town between the hours of 11 P.M. and 5 A.M. the following morning.

13-7-4. Eighteen-year-old curfew.

It shall be unlawful for any minor under the age of eighteen (18) years to remain or loiter upon

any of the sidewalks, streets, alleys or public places in Vineyard Town: After 11 P.M. Sunday through Thursday, Prior to 5 A.M. Monday through Friday, and Between 1 A.M. and 5 A.M. Saturday and Sunday.

13-7-5. Parental liability.

It shall be unlawful for any parent, guardian or other person having care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this chapter.

13-7-6. Exceptions.

The provisions of this chapter shall not apply to any circumstance in which the minor is: Accompanied by a parent, guardian, or other responsible adult having care and custody of such minor; Engaged in a legitimate trade, employment or occupation which requires the minor's presence in or on the sidewalks, streets, alleys or public places while working at or travelling to or from such employment; Engaged on an emergency errand directed by the minor's parent, guardian or other responsible person have care and custody; In a motor vehicle engaged in normal interstate travel beginning in, travelling through, or ending in Vineyard Town; Attending or engaged in travelling between the minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring; or Within the boundaries of the minor's place of residence.

13-7-7. Enforcement.

Any minor who is in violation of the provisions of this chapter is subject to arrest and citation. Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor. It shall be unlawful for any parent, guardian or other person charged with the care and custody of a minor, who is in violation of this chapter, to knowingly refuse to appear and take custody of said minor after being ordered to do so by a peace office. Any person who violates the provisions of this chapter is guilty of a Class B Misdemeanor.

13-7-8. Severability.

If any section, sub-section, sentence or word of this chapter is held, by the court of competent jurisdiction, to be invalid, the remaining unaffected portions shall remain in full legal force and effect.

Article 13-8. Use of Town Roads and Town Property

13-8-1. Definitions.

As used in this Article:

(1) "event" means:

an organized competitive or recreational event in which a group of fifty or more people collectively and simultaneously engage in a sport or form of physical exercise, including but not limited to running, jogging, walking, bicycling swimming, skating, or equestrian activity; an organized event having as its primary purpose the entertainment or amusement of a group of fifty or more people, including but not limited to parades, carnivals, fairs, concerts, receptions, weddings, parties, or other gatherings;

an organized activity in which a group of ten or more people engage in the production of photographic, video, or audio recordings, with the exception of news reporting and of small groups involved in the production of recordings for strictly personal use;

(d) the use of any Town Road or Town Property by reservation as required by the Vineyard Town Facility Use Policy.

(2) "Town Road" means all public roads and streets within the Town not designated as State Highways which are situated outside of incorporated cities and towns and such roads and streets situated within incorporated cities and towns that have been designated as Town roads and those public roads located within a national forest and constructed or maintained by the Town under agreement with the appropriate federal agency.

(3) "Town property" means all real property including improvements and facilities thereon, owned or maintained by Vineyard Town, including, but not limited to, real property owned in fee simple, real property leased to the Town, rights-of-way, and easements.

13-8-2. Event Permits.

No person, entity or organization shall permit, maintain, promote, conduct, advertise, sponsor, organize, manage, or operate any event as defined in Section 13-8-1 of this Code, which goes upon, over, or crosses any Town road or Town property unless an event permit has been obtained at least one week prior to the date of the event. An application for an event permit shall be made in writing to the Vineyard Town Public Works Department at least thirty (30) days prior to such event. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making the application. The application shall contain and disclose such information as determined necessary by Vineyard Town, and shall be on forms provided by the Vineyard Town Public Works Department. Prior to issuance of the event permit, the application shall be approved by the Vineyard Town Public Works Department, the Utah County Sheriff's Office, and the Vineyard Town Attorney's Office as necessary. The terms and conditions of each event permit shall comply with all applicable requirements set forth in the "Vineyard Town Facility Use Policy".

13-8-3. Fees.

The fee to hold an event upon Town roads or property shall be as set forth in the "Vineyard Town Government Current Fee Schedule and Ordinance". Upon request of the applicant, the Town Council may waive the fee in accordance with the "Vineyard Town Facility Use Policy".

13-8-4. Insurance.

Prior to issuance of the event permit, the applicant shall obtain event insurance or liability insurance in a form and amounts acceptable to Vineyard Town, and shall provide Vineyard Town with a certificate of said insurance.

13-8-5. Revocation.

The event permit issued under the provisions of this Article may be revoked by the Town at any time if any of the conditions necessary for the issuing of or contained in the event permit are not complied with, or if any condition previously met ceases to be complied with.

13-8-6. Penalties.

Any person who knowingly permits, maintains, promotes, conducts, advertises, sponsors, organizes, manages, or operates any event as defined in Section 13-8-1 of this Code, without obtaining the event permit required by Section 13-8-2, shall be guilty of a misdemeanor and shall be punished as provided in Part 1-320 of this Code.

Article 13-9. Lewdness

13-9-1. Lewdness.

(1) A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of those offenses, intentionally or knowingly does any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to another who is 14 years of age or older: an act of sexual intercourse or sodomy; exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;

masturbates; engages in trespassory voyeurism; or any other act of lewdness.

(2) Lewdness is a class B misdemeanor and shall be punished as provided in Part 1-320 of this Code.

(3) A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute an act of lewdness, irrespective of whether or not the breast is covered during or incidental to feeding.

Article 13-10. Town Trails

13-10-1. Prohibited Travel on Town Trails.

No person shall use a Town trail or parkway outside of the hours of use as posted on the trail or parkway. No person shall travel, use or ride a skateboard, longboard or similar device utilizing a prone, luge or skeleton technique on Town trails and parkways.

13-10-2. Prohibited Travel on Other Trails or Passageways.

No person shall use any other trail, parkway, or passageway outside of the hours of use as posted on such trail, parkway, or passageway. No person shall travel, use or ride a skateboard, longboard or similar device or utilize a prone, luge or skeleton technique on any other trail, parkway or passageway for which notice of the prohibition of the use is given by the property owner posting signs referencing this Vineyard Town Code section which are reasonably calculated to come to the attention of trail, parkway or passageway users.

13-10-3. Speed Limits on Town Trails.

No person shall travel, use or ride on Town trails and parkways in excess of the lesser of 15 miles per hour or the posted speed limit.

13-10-4. Speed Limits on Other Trails or Passageways.

No person shall travel, use or ride on trails, parkways or passageways in excess of the posted speed limit as posted by the property owner posting signs referencing this Vineyard Town Code section which are reasonably calculated to come to the attention of trail, parkway or passageway users.

13-10-5. Defenses.

The removal or vandalism of any sign, marking or notice posted in accordance with this Article which gives notice of the prohibitions contained in any section of this Article by anyone other than Vineyard Town or the property owner is not a defense to a violation of any section of this Article.

13-10-6. Penalties.

Violation of any section of this Article is punishable as an infraction.

A fourth or subsequent violation of any section of this Article is a class C misdemeanor.

13-10-7. Lane Restrictions.

(a) Any pedestrian traveling or using paved Town parkways and trails shall travel only in the lane designated for pedestrian traffic.

(b) Any person traveling, using or riding on Town parkways and trails and utilizing a self propelled mechanism shall travel only in the lane designated for self propelled mechanized traffic.

For the purpose of this section and this Article, a self propelled mechanism is any wheeled device propelled by human power. Self propelled mechanisms include, but are not limited to, longboards, skateboards, scooters, skates, inline skates, bicycles, attached bike trailers, wheelchairs, strollers, etc.

13-10-8. Walking Zones.

No person shall ride or use a self propelled mechanism to travel, use or ride on Town trails and parkways in any zone signed or marked as a walking zone.

13-10-9. Safe Travel.

Notwithstanding any section of this article to the contrary, any person traveling, using or riding on Town trails and parkways shall remain in control of any self propelled mechanism, and shall not exceed a reasonable and prudent speed under the existing conditions giving regard to the actual and potential hazards then existing, including but not limited to surface conditions, sight distance, the proximity and travel direction of other trail users, and the person's skill, experience and ability.

13-10-10. Passing.

Any person utilizing a self propelled mechanism which passes another Town trail or parkway user traveling in the same direction shall pass to the left of the other user and prior to passing announce the intention to pass the other trail or parkway user.

13-10-11. Helmet.

Users of self propelled mechanisms on Town trails or parkways are strongly encouraged to use helmets.

13-10-12. Leash Requirement.

All dogs and or pets on paved Town parkways and trails shall be leashed with a leash of six feet or less and shall be kept in the owner's or handler's lane of travel.

TITLE 14-000.

UTILITIES.

CHAPTER 14-100 WATER

PART 14-110

14-111. WATER DEPARTMENT AND SYSTEM. The water department of the Town is hereby created. It shall administer the operation and maintenance of the water system of the Town.

14-112. SUPERINTENDENT. There is hereby created the position of superintendent of the water department.

14-113. DUTIES OF THE SUPERINTENDENT. The superintendent of the water system shall manage and supervise the Town water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the Town council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor.

14-114. APPLICATION FOR WATER CONNECTION. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the Town water system, shall file with the water department for each such connection a written and signed connection application in substantially the form shown in Appendix A.

14-115. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER. Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

14-116. APPLICATION FOR WATER SERVICE. Any person who desires or is required to secure water service when such service is available from the Town water system, shall file with the water department a written application and agreement for the service which shall be in substantially the form shown in Appendix A.

14-117. NON-OWNER APPLICANTS - AGREEMENT OF OWNER. Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

14-118. **RATES AND CONNECTION FEES.** The rates, penalty fee for delinquency in payment, connection fee, impact fee, inspection fee and other charges incidental to connection and services from the Town water system shall be fixed from time to time by resolution enacted by the Town council. The Town council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

14-119. **SPECIAL RATES.** The Town council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

14-119.1. **BOARD OF EQUALIZATION, RATES, AND REBATES.** The Town council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.

14-119.2. **USE WITHOUT PAYMENT PROHIBITED.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the Town water or sewer system without paying therefore, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.

14-119.3. **DELINQUENCY - DISCONTINUANCE OF SERVICE.**

- A. The clerk or water supervisor shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month or at such other regular interval as the Town council shall direct.
- B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 30 days of the date due, the clerk or water supervisor shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five days from the date of notice.
- C. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the Town. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall

again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the Town council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of \$50.00 for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the Town.

14-119.4. **TURNING ON WATER AFTER BEING TURNED OFF**

PROHIBITED. It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or clerk.

14-119.5. **SEPARATE CONNECTIONS.** It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the Town council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the Town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes, connections, or meters at a subsequent time.

14-119.6. **UNAUTHORIZED USERS.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

14-119.7. **PERIOD FOR VISITORS.** Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed 1 month(s). Continued use thereafter shall be deemed unauthorized and violative of the provisions of this part relating to separate connections and unauthorized use.

14-119.8. **PIPES TO BE KEPT IN GOOD REPAIR.** All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

14-119.10. QUALITY OF SERVICE PIPE.

- A. All service and other pipe used in conjunction with the water services of the Town shall be of such material, quality, and specifications as the Town council may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefore from the clerk.
- B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

14-119.11. FAULTY EQUIPMENT. It shall be unlawful for any water user to:

- A. Waste water.
- B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
- C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
- D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

14-119.12. DEPARTMENT TO HAVE FREE ACCESS. The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the Town system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

14-119.13. NONLIABILITY FOR DAMAGES. The Town shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the Town beyond that provided in the Governmental Immunity Act.

14-119.14. WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC. No water shall be supplied from the pipes of the Town water system for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the Town council.

14-119.15. **SPRINKLERS.**

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the Town council materially affect the pressure or supply of water in the Town water system or any part thereof, and the Town council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. The Town council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

14-119.16. **SCARCITY OF WATER.** In time of scarcity of water, whenever it shall in the judgment of the mayor and the Town council be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.

14-119.17. **WASTE OF WATER.**

- A. Users of water from the Town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the Town, a user of Town water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the Town council.
- B. The Town council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the Town council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- C. A water user whose right to utilize Town water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
- D. After due hearing, the Town council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

14-119.18. **WATER METERS.**

- A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the Town water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.
- B. Meters will be furnished by the Town upon application for a connection, and upon payment of such connection fees and other costs as may be established by the Town council from time to time by resolution.
- C. Meters shall be deemed to be and remain the property of the Town. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the Town council after due notice in writing to the parties involved.
- D. The superintendent shall cause meter readings to be taken regularly and shall advise the clerk thereof for the purpose of recording the necessary billings for water service.
- E. Meters may be checked, inspected or adjusted at the discretion of the Town, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the Town unless special permission is given by the Town through its representatives to the customer to do so.
- F. If a customer submits a written request to the superintendent to test his water meter, the Town may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the Town council, the meter shall be deemed to accurately measure the use of water.
- G. If the Town's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the Town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- H. All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the Town be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the Town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

14-119.19 PERMITS FOR INSTALLATION. It shall be unlawful for any person to lay, repair, alter or connect any water line to the Town culinary water system without first having received a construction permit from the office of the clerk or from the water superintendent.

14-119.20. APPLICATIONS FOR INSTALLATION PERMIT.

- A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the Town water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature or the work to be done for which the application is made. The application shall be granted if the superintendent determines that:
1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
 2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the Town. All connections, alterations or installations shall be to the line and grade designated by the water superintendent.
- B. Fees for permits or for inspection services shall be of such amounts as the Town council shall from time to time determine by resolution.

14-119.21. MOVING OR REPLACEMENT OF WATER LINES. In the event that the Town in its sole discretion determines that any water line of the Town must be moved or replaced, the Town shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

14-119.22. WHEN PERMITS SHALL NOT BE ISSUED. Permission to connect with the Town water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the Town.

14-119.23. DISCONTINUANCE OF SERVICE. Any customer desiring to discontinue service shall notify the Town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service.

14-119.24. FIRE HYDRANTS. Water for fire hydrants will be furnished free of charge by the Town. Installation and repairs on such hydrants shall be at the expense of the Town and shall be made under the direction of the Town. All customers shall grant the Town upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the Town concludes that hydrants shall be so installed for the protection of the residents of the Town.

14-119.25. EXTENSION OF WATER MAINS WITHIN THE TOWN. Any person or persons, including any subdivider, who desires to have the water mains extended within the Town, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the Town council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water superintendent. The Town council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the Town.

14-119.26. COST OF EXTENSIONS DETERMINED. Upon the receipt of such petition and map and before the petition is granted, the Town council shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension.

14-119.27. AMOUNT OF COST TO BE DEPOSITED WITH Clerk. If the Town council grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the Town council shall indicate, after the granting thereof.

14-119.28. RETURN OF ANY MONEY - FORFEITURE.

- A. At the time the Town council decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
- B. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.

14-119.29. OWNERSHIP OF EXTENSION. Any such extension shall be deemed the property of the Town.

PART 14-120. SERVICE OUTSIDE Town.

14-121. SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE Town LIMITS.

The Town may furnish water service from its water system to persons outside the Town in accordance with the provision of this part.

14-122. PETITION FOR SERVICE. Any person located outside the Town limits who desires to be supplied with water services from the Town water system and is willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending the water main beyond its present location, may make application to the Town council by petition containing:

- A. A description of the proposed extension.
- B. A map showing the location thereof.
- C. An offer to pay the whole expense incurred by the Town in providing such extension and to advance such expenses as shall be verified to by the water superintendent. The Town council and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
- D. An acknowledgment that the Town in granting the petition need supply only such water to the petitioner which from time to time the Town council deems beyond the requirements of water users within the Town limits, and that such extension shall be the property of and subject to the control of the Town.

14-123. EXTENSIONS MAY BE MASTER-METERED. When an extension supplying more than one house or user outside the Town limits is connected to Town water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the Town main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.

14-124. COST OF EXTENSIONS TO BE DETERMINED BY WATER SUPERINTENDENT. Upon receipt of such petition and map and before the petition is granted, the Town council shall determine what portion, if any, of the extension of the Town water mains to the Town limits the Town shall construct, and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the Town water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.

CHAPTER 14-200. SEWERS.

PART 14-210. ADMINISTRATION.

14-211. SEWER DEPARTMENT AND SYSTEM. The sewer department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the Town's sewage collection and disposal system. The department shall administer the operation and maintenance of the Town sewer system.

14-212. SUPERINTENDENT OF THE SEWER DEPARTMENT. There is hereby created the position of superintendent of the sewer department.

14-213. DUTIES OF THE SUPERINTENDENT. The superintendent of the sewer department shall manage and supervise the Town's sewer system under the direction of the Town council which from time to time shall by resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the sewer system.

14-214. APPLICATION FOR SEWER SERVICE. Any person who desires or is required to secure sewer service when such service is available from the Town sewer systems shall apply therefore to the clerk and file an agreement with the Town which shall be in substantially the form shown in Appendix A.

14-215. NONOWNER APPLICANTS - AGREEMENT BY OWNER. Applications for sewer services made by the tenant or an owner must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

14-216. RATES AND CONNECTION FEES. The rates, penalty fee for delinquency in payment and connection and impact fees for sewer services from the Town sewer system shall be fixed from time to time by resolution or ordinance of the Town council. The Town council may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system.

14-217. SPECIAL RATES. The Town council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.

14-218. BOARD OF EQUALIZATION, RATES AND REBATES. The Town council is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

14-219. DELINQUENCY - DISCONTINUANCE OF SERVICE.

- A. The sewer department, or such other person as the Town council may designate, shall furnish to each user or mail or leave at his place or residence or usual place of business, a written or printed statement stating the sewer service charges assessed against him once each month or at such other regular intervals as the Town council shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
- B. If any person fails to pay his sewer charges within 30 days of the date due, the clerk or the sewer superintendent shall give the customer notice in writing of the intent to discontinue the service of water to the premises unless the customer pays the bill in full within five days from date of notice.
- C. If the water service is thereafter discontinued for failure to make payment of the sewer service charges, before the water service to the premises shall again be provided, all delinquent sewer charges must have been paid to the Town treasurer or arrangements made for their payment that are satisfactory to the Town.
- D. In the event water is turned off for nonpayment of sewer charges, before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent charges, such extra charge for turning the water on and off as the Town council may have established by resolution or ordinance.
- E. If any person fails to pay his sewer charges within 30 days of the due date, the clerk or the sewer supervisor is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction seeking judgment for the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.

14-219.1. USE OF SEWER SYSTEM MANDATORY. It shall be unlawful for the owner or any other person occupying or having charge of any premises within the Town which are located within 300 feet of a sewer main to dispose of sewage there from by any means other than by use of the Town sewer system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool, or septic tank on the property except by written approval of the Town council in cases of undue hardship.

14-219.2. QUALIFIED PLUMBING NECESSARY. It shall be unlawful for any person to connect any drain or sewer pipe with the Town sewer system unless the person is a duly licensed plumber or unless, in the absence of a duly licensed plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to the sewer superintendent for review and approval. After such approval, the installation or work done shall be subject to inspection by the superintendent or his agent.

14-221. PROHIBITED USES AND REGULATIONS. The Town council shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used in addition to the regulatory

provisions set forth expressly in this chapter. Violation of any duly adopted use regulations shall be a class B misdemeanor.

14-222. **OWNERSHIP OF CONNECTING LINES.** Unless provision is expressly made for ownership of mains by owner of the adjacent property by means of a written agreement, all mains which are situated on the public way shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises. All lines or laterals from the property line to the business or resident shall be the property and responsibility of the land owner or resident whether the lateral or line is within the public right of way or on private property.

14-223. **SEWER MAN-HOLES.** It shall be unlawful for any person to open any sewer man-hole without permission from the superintendent.

14-224. **DESTRUCTION.** It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part or appurtenance of the sewer system.

CHAPTER 14-300 TRANSPORTATION UTILITY FUND.

14-301. Intent in Creating a Transportation Utility.

The Town Council hereby finds, determines, and declares that the public necessity of providing maintenance, upkeep, improvement, and repair of the Town's streets and related facilities within the right-of-way requires the establishment of a comprehensive transportation utility with the purpose and power of undertaking such maintenance and improvement of Town streets and related facilities as may be necessary and proper, with such mandate to include, without limitation, the following activities: patching, crack sealing, seal coating, over-laying and other activities as are necessary in order that local streets may be properly maintained to safeguard the health, safety and welfare of the Town and its inhabitants. As part of the establishment of this utility, a utility transportation fund ("fund") is hereby created for the purpose of providing funds for the maintenance of Vineyard Town streets. Insofar as possible to do so with funds available, and in accordance with policies adopted by the Town Council, the Town intends to maintain only Vineyard public streets and rights-of-way and shall not use funds for the maintenance of private streets, rights-of-way, or easements.

14-302. Definitions.

"Commercial" means a nonpublic use, nonresidential land use including, but not limited to, industrial, office, retail, for-profit education, for-profit medical facilities, or professional services establishments.

"Multifamily unit" means a nondetached dwelling unit arranged, designed for, and occupied by more than one (1) family living independently of each other in separate units, including, but not limited to, apartments.

"Public use" means a land use for a tax-exempt property, including, but not limited to, government property, school district property, education or religious property, or tax-exempt medical facilities.

"Single-family unit" means a one-family detached, semi-detached (twin home), or attached (town home) (side by side under separate ownership) dwelling unit arranged, designed for, and occupied by not more than one (1) family, and which has a kitchen and a bathroom.

"Street" means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement shoulders, gutter, parking areas, and other areas within the right-of-way. For the purposes of this section, sidewalks are not considered as part of streets.

"Trip-end" means a trip to or from an origin or destination. A trip-end is the standard unit of measure for trip generation and can be measured as one (1) pass by a traffic counter. Two (2) trip-ends are involved in a simple round trip. Round trips with multiple stops include "pass-by trips" at the destinations between the beginning and end of the trip.

14-303. Establishment of Utility Transportation Fund.

A. There is hereby created a utility transportation fund, to be reported as an enterprise fund, to be funded by a fee ("fee") to be paid by the users of Vineyard Town utilities within the corporate

limits of Vineyard Town. Such fee shall be established by resolution of the Town Council in such amounts as deemed necessary to provide funds to properly maintain Town streets. The amount of the fee shall be adopted in the Consolidated Fee Schedule, which may be amended as needed by resolution of the Town Council. The amount of the fee charged shall be based upon the following land use categories and subcategories:

(a) Residential.

(i) Residential Class A: single-family units.

(ii) Residential Class B: multifamily units.

(b) Commercial.

(i) Commercial Class A: commercial entities with less than one hundred (100) trip-ends generated per weekday per published Institute of Traffic Engineers (ITE) trip-generation rates.

(ii) Commercial Class B: commercial entities with one hundred (100) or more, but less than two hundred (200), trip-ends generated per weekday per published ITE trip-generation rates.

(iii) Commercial Class C: commercial entities with two hundred (200) or more, but less than six hundred (600), trip-ends generated per weekday per published ITE trip-generation rates.

(iv) Commercial Class D: commercial entities with six hundred (600) or more trip-ends generated per weekday per published ITE trip-generation rates.

(c) Public Use.

(i) Public Use Class A: public use entities with an average of less than three hundred (300) trip-ends generated per weekday per published ITE trip-generation rates.

(ii) Public Use Class B: public use entities with an average of three hundred (300) or more trip-ends generated per weekday per published ITE trip-generation rates.

B. The fee for each land use category and subcategory shall be based on the relative share of aggregate trip-ends each category and subcategory generates. Trip-ends for residential uses shall be based on Vineyard Town residential trip-generation rates as identified in the Vineyard Town Transportation Master Plan. Trip-ends for commercial and public use land uses shall be based on the most recent ITE trip-generation rates.

14-304. Billing and Collection.

The utility transportation fee shall be billed and collected with and as part of the monthly consolidated utility bill. The person(s) responsible for payment of the fee shall be the same person(s) responsible for payment of other Town utilities. All such bills shall be rendered monthly by the Town and shall become due and payable in accordance with the rules and regulations adopted by the Town pertaining to the collection of utility fees, and the Town's finance officers shall place all such fees so collected into the fund to be deposited and separately kept to be used only for the transportation utility purposes provided herein.

14-305. Enforcement.

Any charge due hereunder which is not paid when due may be recovered in an action at law or

equity by the Town. In addition to any other remedies or penalties provided by this Title or any other ordinance of the Town, failure of any person responsible for the payment of Town utilities to timely pay the charges when due shall subject such person to discontinuance of utility services provided by the Town, consistent with Town policies regarding termination of utility services.

14-306. Dedication of Funds.

All funds collected by the Town from this fee shall annually be paid into the utility transportation fund, which is hereby created as an established enterprise fund in the Town budget. Such revenues shall be used for the purposes of the operation, improvement, and maintenance of existing Vineyard Town streets. It shall not be required that the operations, improvement, and maintenance expenditures from the fund specifically relate to any particular property from which the fees were collected.

14-307. Annual Report and Gas Tax Revenues.

A. Each year during the annual budget process, the Town Council shall receive an annual report detailing the income and expenditures of the fund. This report shall be in writing and shall be presented at a meeting of the Town Council by representatives of the Public Works Department.

B. In the event that any State or County legislation is enacted that either changes the rate of a tax or enacts a new tax, the purpose of which tax is to provide funds for the operation, improvement, or maintenance of Town streets, and that results in the Town receiving increased revenues dedicated to that purpose, the Town Council shall also hold a public hearing not more than twelve (12) months following the effective date of such legislation, to allow sufficient time to gather necessary and relevant data, to specifically consider the question of whether the fee should be reduced to offset, either entirely or partially, those increased revenues. Such hearing may be held as a part of the public hearing held on the Town budget, so long as this question is specifically addressed.

14-308. Appeals.

A. Any person who disputes the amount of the fee, or disputes any determination made by or on behalf of the Town pursuant to and by the authority of this Title, may petition the Town Council for a hearing on a revision or modification of such fee or determination. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.

B. Such petitions shall be in writing, filed with the Town Clerk within thirty (30) days of the date of the utility bill containing the disputed charge or the date of the challenged determination. The facts and figures shall be submitted in writing or orally at an administrative hearing scheduled by the Mayor, or the Mayor's designee. The petitioner shall have the burden to prove that the amount of the fee is in error.

C. Within sixty (60) days of filing the petition, the Town Council, or its designee, shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination by the Council or its designee, shall be considered a final order.

14-309. Contribution and Internal Revenue Code Section 501(c)(3) Exemption.

A. The fee shall not be charged to any person or entity that in lieu of paying the fee makes an advance voluntary contribution to the utility transportation fund in an amount equal to or greater

than the amount of the fee imposed by this Title.

B The fee shall not be charged in regard to any property owned and operated by one (1) or more organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Federal Tax Code"), that is:

(a) Not used primarily for the production of income that is taxable under Section 511 of the Federal Tax Code;

(b) Exempt from property tax; and

(c) Used primarily:

(i) To provide in-patient hospital care;

(ii) For the education, instruction or training of the individual at the collegiate level or for no more than a nominal charge: (A) on subjects useful to the individual and beneficial to the community; or (B) for the purpose of improving or developing an individual's capabilities; or

(iii) For religious purposes, including as a house of worship or to provide religious education for youth.

C. Any entity seeking an Internal Revenue Code Section 501(c)(3) exemption pursuant to Subsection C of this Section shall make application for the exemption and provide proof of qualification.

PART 14-401. GENERAL

(1) Findings on Stormwater Runoff Harm.

The Town's physical growth and urban development has and will continue to increase the amount of storm water runoff collected and routed, using the Town's storm water drainage system and facilities. Storm water runoff causes property damage and erosion, carries concentration of nutrients, chemicals, heavy metals, oil and toxic materials into receiving waters and ground waters; degrades the integrity of Town streets, curbs, gutters and other infrastructure conveying storm water; reduces the citizens' access to emergency services and imposes hazards to both life and property. Additionally, the Federal Government has established, through its Clean Water Act, environmental protection regulations for water quality and National Pollution Discharge Elimination System (NPDES/UPDES) permit requirements for the Town's discharge of its storm water into receiving waters.

(2) Purpose. It is the purpose of this ordinance to:

- a. Provide and maintain a storm water system for handling storm water runoff.
- b. Protect, maintain, and enhance the environment of Vineyard Town.
- c. Provide fair, equitable and nondiscriminatory rates and charges for a storm water system and related services which will generate sufficient revenue for operating, improving and maintaining the storm water sewer utility at a level commensurate with storm water management needs. The rates and charges shall be set by considering needed revenues and the amount of impervious surface on developed parcels and the respective storm water runoff characteristic of the parcel, and apply said rates and charges for the same class of customers.
- d. Establish a policy that present and future rates and charges for this service should be fixed with consideration of the differences in cost fairly allocated to the various customers based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the utility; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction and which will allow for management of the storm drainage system in a manner that protects the public health, safety and welfare.
- e. Establish responsibilities for controlling and managing storm water runoff.
- f. Protect the public health, safety and the general welfare of the citizens of the Town, by controlling discharges of pollutants to the Town's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the Town.
- g. Enable the Town to comply with the UPDES permit and applicable regulations, 40 CFR section 122.26 for stormwater discharges.

- h. Allow the Town to exercise the powers granted by Utah Code , which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;
 - ii. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
 - iii. Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
 - iv. Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
 - v. Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
 - vi. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
 - vii. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 - viii. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(3) Administering Entity. Town Engineer shall administer the provisions of this ordinance. Nothing in this ordinance shall relieve any person from responsibility for damage to other persons or property, nor impose upon Vineyard Town, its officers, agents or employees, any liability for damage to other persons or property.

14-402. Definitions.

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

1. "As built plans" means drawings depicting conditions as they were actually constructed.
2. "Best management practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Vineyard Town and that have been incorporated by reference into this ordinance as if fully set out therein. For purposes of this Title, the relevant BMP's are more particularly defined in Vineyard Town's *Storm Water Management Plan*.
3. "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

4. "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Vineyard Town.
5. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
6. "Customer" or "person" means any individual public; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies, county; Town; political subdivision; or any other governmental or legal entity recognized by law.
7. "Developed parcel" means any parcel, which has been altered by grading or filling of the ground surface, or construction of any improvements or other impervious surface area thereon.
8. "Director" means the director of the Public Works Department or the director's designee.
9. "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
10. "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.
11. "Equivalent residential unit (ERU)" means a configuration of development, or impervious surfaces on a parcel, contributing runoff to the Town's storm water drainage system or which represents the estimated use of the system that is approximately equal to that contributed by a single-family residential parcel. The average square footage of impervious surface area as defined in the Vineyard Town Storm Drain Master Plan.
12. "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
13. "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
14. General Construction Storm Water Permit: Permit required by the Utah Department of Environmental Quality, Division of Water Quality.

15. "Hotspot" ("priority area") means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
16. "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
17. "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under section 14-410 (2).
18. Irrigation Ditches: Gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement or prescription.
19. Land Disturbance Permit: The Vineyard Town Land Disturbance.
20. "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
21. "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a BMP or stormwater facility if reconstruction is needed in order to restore the BMP or stormwater facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the BMP or stormwater facility.
22. "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
23. "Municipal separate storm sewer system (MS4)" ("Municipal separate stormwater system") means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
24. "National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations" means the provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharges.
25. "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

26. "Non-polluted" when used in connection with water or any other referenced medium, means that medium shall not have been contaminated with a pollutant.
27. Notice of Violation (N.O.V.): Whenever the Town Engineer finds that a person is in non-compliance with this ordinance, the Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices.
28. "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
29. "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.
30. "Parcel" means the smallest separately segregated unit of plot of land, with person(s) identified as owner(s); having boundaries and surface area, which is documented and given a property number by Utah County.
31. "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
32. Pre-Existing Conditions: Conditions of property in its native state or changed under approval by the Town or changed property that is grandfathered.
33. "Priority area" means "hot spot" as defined in definition 19.
34. Property Owner: Land owner of property within the boundary of Vineyard Town.
35. "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system. Runoff: Water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.
36. "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
37. "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.
38. "Single-family residential parcel" means any parcel of land which is improved with a dwelling unit.
39. "Soils Report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified

soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

40. "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
41. "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
42. Storm Water Design Standards and Regulations: Current Vineyard Town storm water standards and regulations as adopted by the Town.
43. Storm Drain Master Plan: Current Vineyard Town Storm Drain Master Plan as adopted by the Town.
44. "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
45. "Stormwater management facilities system" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
46. "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
47. "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.
48. "Storm water sewer system" means the Town storm water system comprised of storm water facilities, streets and any other features which store, control, treat and/or convey storm water.
49. "Stormwater utility" means the stormwater utility created by ordinance of the Town to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.
50. "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.
51. "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
52. Town: Vineyard Town

53. Town Council, Council: Vineyard Town Council

54. Town Engineer: The Town Engineer of Vineyard Town, or authorized designee.

55. Town Storm Water System: Storm Systems that receives runoff from public right-of-way, natural waterways and systems identified in a Town easement.

56. "Undeveloped parcel" means any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area which affected the hydraulic properties of the parcel.

57. UPDES: Utah Pollution Discharge Elimination System.

58. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

59. "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

14-403. Stormwater Sewer Utility

(1) Potential Hazards Declared. Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions within the Town constitute a potential hazard to the health, safety, welfare and property of the Town inhabitants. All manmade stormwater facilities and conveyances, and natural storm water drainage within the Town limits, except those included under authorization issued to counties by state law for management of certain storm water runoff, constitutes the Town's storm water sewer system.

(2) Stormwater Sewer Utility Established. There is created and established a storm water sewer utility to be known as the storm water sewer utility.

(3) Utility Enterprise Fund. There is created the Storm Water Utility Enterprise Fund. All funds received from such storm water services charges shall be placed in the enterprise fund. The collection, accounting and expenditure of all storm water sewer utility funds shall be in accordance with the existing fiscal policy of the Town.

(4) System of Rates and Charges. There are hereby imposed storm sewer service fee rates and charges on each parcel of real property within the Town. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

(6) Method of Determining Contribution of Stormwater. The method of determining contributions of stormwater shall be in accordance with the Town's currently adopted Consolidated Fee Schedule.

(7) Billing and Collection.

Billing. The department of public utilities shall cause billings for storm water sewer utility services to be rendered periodically to the person who is the owner of the parcel, or the owner's agent, who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing department of public utilities bill as a separate line item. A storm water-only billing will be sent to those persons who are owners of parcels within the Town, but not currently Town utility customers. The amount billed shall be in accordance with the current adopted Town Fee Schedule.

Collection. In the event partial payment is made on a combined bill, the payment shall be applied to each service on a pro rata basis. In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the town. If this debt is not paid within thirty days after billing, it shall be deemed delinquent and subject to recovery in a civil action and/or said department shall have the right to terminate water and sewer services to the premises. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person's or person's name(s) and upon failure to pay such bill after at least five days' prior written notice, water and other town services to that account and parcel may be discontinued. Water sewer, garbage and storm service shall not be restored until all charges have been paid in full.

(8) Appeal of Charges.

1. Any owner or person who considers the Town's storm water charge applied to their parcel to be inaccurate, or who otherwise disagrees with the utility rate determinations, may apply to the director for a service charge adjustment. Such a request shall be in writing and state the grounds of such an appeal. The director shall review the case file and determine whether an error was made in the calculation or application of the fee and make an adjustment to the charge, if necessary, to provide for proper application of the Town's rates and charges pursuant hereto. In all cases, the decision of the director shall be final unless appealed.
2. Any appeal under this chapter shall be filed in writing with the director no later than twenty (20) days after said billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision.
3. Appeal of decisions made by the director may be brought before the Town Council, who may reevaluate the issue raised in the appeal. Decisions of the Town Council shall be final and conclusive.
4. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law.

14-404. Land disturbance permits.

(1) When required.

- a. Every person will be required to obtain a land disturbance permit from the Town Engineer in the following cases:
 - i. Land disturbing activity generally disturbs one (1) or more acres of land.
 - ii. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
 - iii. Land disturbing activity of less than one (1) acre of land, if in the discretion of the Town Engineer such activity poses a unique threat to water, or public health or safety;
 - iv. The creation and use of borrow pits.
 - v. Development of a single family home.
 - vi. Processing of earthen materials such as top soil and gravel screening.
 - vii. Construction of parking lots.
 - viii. Commercial projects.

(2) Drainage channels, waterways and sensitive areas.

- a. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and Town permits.
- b. Modifications of sensitive areas are subject to and governed by the Vineyard Town Sensitive Areas and Overlay Zone Ordinance (Development Code Article 3.12). These actions will require a Land Disturbance Permit and approval from all other governing agencies.
- c. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Vineyard Town boundaries must provide written approval from the state, county or municipality or their agents.
- d. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
- e. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

(3) Building Permit. No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this ordinance.

(4) Exemptions. The following activities are exempt from the permit requirement:

- a. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- b. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- c. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate Town, Federal, or State Agency.
- d. Additions or modifications to existing single family structures that do not disturb more than 1 acre of property.

(5) Application for a Land Disturbance Permit.

- a. Applications shall be made with the Vineyard Town Building Department.
- b. Each application shall include the following:
 - i. Name of applicant;
 - ii. Business or residence address of applicant;
 - iii. Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - iv. Address of subject property;
 - v. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - vi. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
- c. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the Town Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
- d. Each application shall be accompanied by:
 - i. A sediment and erosion control plan..
 - ii. A stormwater management plan providing for stormwater management during the land disturbing activity and after the activity has been completed.
- e. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, as adopted by resolution and found in the Town's currently adopted Consolidated Fee Schedule.

(6) Review and approval of application.

- a. The Town Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the Town Engineer shall provide one of the following responses in writing:
 - i. Approval of the permit application;
 - ii. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
 - iii. Denial of the permit application, indicating the reason(s) for the denial.

- b. If the Town Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the Town Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the Town Engineer.

No development plans will be released until the land disturbance permit has been approved.

(7) Permit duration.

- a. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. If the land disturbance permit has expired before construction is complete, it shall be renewed with the associated land disturbance permit fee.

(8) Notice of construction.

- a. The applicant must notify the Town Engineer ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the Town Engineer in accordance with section 411 (1).

(9) Performance bonds. The Town Engineer may, at his discretion:

- a. Require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
 - 1. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.
 - 2. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.
 - 3. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Town Engineer.
 - 4. Alternatively the Town Engineer shall have the right to calculate the cost of construction cost estimates.
- b. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer

licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance.

- c. The Town Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the Town Engineer.

14-405. Clean Streets

- (1) **Building Materials in Street Permit.** It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the Town Engineer a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the Town Engineer. Any such permit may be revoked by the Town Engineer at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the Town Engineer, the public interest requires such revocation.
- (2) **Placing Trash or Other Obstruction in Streets, Gutters, Sidewalks or on Neighboring Property or Public Open Space.** It shall be unlawful for any developer of subdivisions, contractor, builder or person owning, occupying or having control of any premise to place, or permit to be placed upon the sidewalk, park strip, gutter, neighboring property or public open space or on the half of the street next to such premise or to fail to remove from the streets, gutters or sidewalks:
 1. Any construction material, dirt, soil, mud, broken ware, glass, filth, rubbish, sweeping, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
 2. Any vehicles, trailers, lumber, wood boxes, fencing, building materials, dead trees, trees, stumps, merchandise or other thing which shall obstruct such public street, gutter, park strip or sidewalk, or any part thereof, or public open space except as expressly authorized by ordinance, without first obtaining the permission of the Development Review Committee (DRC).
1. Any permanent or temporary structure, mechanism, device, vehicle, trash or garbage container or other thing of any kind of character except trees planted pursuant to the provisions of applicable ordinance.
- (3) **Obstruction of Stormwater**
 1. It is unlawful for any person to obstruct or contribute to the obstruction of the flow of storm water runoff or non-storm water runoff into any sump, retention basin, storm drain, curb and gutter, drain inlet, or any other associated structural controls that convey storm water and/or non-storm water runoff, unless the obstruction is authorized by the

Town Engineer or his designee and granted with the issuance of a permit signed by the Town Engineer or his designee.

2. It is unlawful for any person to cause any obstruction that inhibits the normal flow of storm water and/or non-storm water runoff in any curb and gutter, unless the obstruction is authorized by the Town Engineer or his designee and granted with the issuance of a permit signed by the Town Engineer or his designee.
3. It is unlawful for a person to cover over any drain inlet for any reason or purpose, unless the obstruction is authorized by the Town Engineer or his designee and granted with the issuance of a permit signed by the Town Engineer or his designee.

(4) Use of Trash Containers, Site Cleanup and Unlawful Use of Non-Site Trash Containers. It shall be unlawful for any person who is constructing any new structure, building or residence to build such structure, building or residence without having on the premises a trash container sufficiently sized to accommodate construction debris and trash which results from such construction. It shall be the duty of the general contractor, and absent a general contractor, the owner of the building permit, to keep said site free of debris at all time. It shall be unlawful for any person to deposit trash in a construction dumpster without express permission of the general contractor or owner of the building permit.

(5) Provision for Curb Ramps. All persons participating in the above named construction shall provide access to the site where curbs are installed. It shall be unlawful for any person to provide access other than through the use of curb ramps. Curb ramps may only be constructed out of wood, steel, or asphalt. All curb ramps must be removed prior to final inspection to the satisfaction of the Town.

(6) Provision for Sanitary Facilities. It shall be unlawful for any person who is constructing any new structure, building or residence to build such structure, building or residence without sanitary toilet facilities available to those working on the site. Such lavatory must be placed on the site a minimum of ten (10) feet behind the curb and not on the sidewalk.

14-406. Stormwater system design and management standards.

(1) Irrigation ditches.

1. All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with water user.
2. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.
3. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the Storm Water Design Standards and Regulations and the Land Disturbance Permit.
4. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the Storm Water Design Standards and Regulations and the Land Disturbance Permit

documents.

(2) Stormwater design and BMP manuals.

A. Adoption. The municipality adopts as its stormwater design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

1. Vineyard Town Storm Water Drainage Design Manual.
2. Vineyard Town Storm Drain Master Plan.
3. Vineyard Town Storm Water Management Plan.

B. These manuals reference a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the Town, upon the recommendation of the Town Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(3) General performance criteria for stormwater management. Unless granted a waiver or judged by the Town Engineer to be exempt, the following post construction performance criteria shall be addressed for stormwater management at all sites:

- A. Design of storm drain systems in boundaries and discharges into an Vineyard Town storm drain system requires direct supervision of a Utah registered professional engineer, and shall carry the seal of the same supervising professional engineer.
- B. All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manuals and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- C. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manuals.
- D. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- E. Stormwater discharges from “hot spots” may require the application of specific structural BMPs and pollution prevention practices.
- F. Prior to or during the site design process, applicants for land disturbance permits shall consult with the Town Engineer to determine if they are subject to additional stormwater design requirements.

- G. The calculations for determining peak flows as found in the BMP manuals shall be used for sizing all stormwater facilities.

(4) Minimum control requirements.

- A. Storm water discharge during all construction activities shall comply with the terms of the Land Disturbance Permit, the Storm Water Design Standards and Regulations, and/or requirements set forth by the building Code, and the State of Utah UPDES requirements.
- B. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the Storm Water Drainage Design Manual unless the Town Engineer has granted the applicant a full or partial waiver for a particular BMP under section 14-408.
- C. Runoff rates from one lot to another may not exceed pre-existing conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.
- D. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Town Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(5) Stormwater management plan requirements. Property owners are responsible to manage storm water runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The stormwater management plan shall include sufficient information to allow the Town Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- A. Topographic Base Map: A 1" = 500' topographic base map of the site which extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
- B. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
- C. Current land use including all existing structures, locations of utilities, roads, and easements;
- D. All other existing significant natural and artificial features;
- E. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
- F. Proposed structural BMPs;
- G. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- H. Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Storm Water Drainage Design Manual. These calculations must show that the proposed stormwater

management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manuals. Such calculations shall include:

- I. A description of the design storm frequency, duration, and intensity where applicable;
 - J. Time of concentration;
 - K. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - L. Peak runoff rates and total runoff volumes for each watershed area;
 - M. Infiltration rates, where applicable;
 - N. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - O. Flow velocities;
 - P. Data on the increase in rate and volume of runoff for the design storms referenced in the Storm Water Drainage Design Manual; and
 - Q. Documentation of sources for all computation methods and field test results.
 - R. Soils Information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
 - S. Maintenance and Repair Plan. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
 - T. Landscaping Plan. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Utah.
- (6) Maintenance Easements. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (7) Maintenance Agreement. The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

- A. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - B. Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a qualified individual who will submit a sealed report of the inspection to the Town Engineer. It shall also grant permission to the Town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
 - C. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manuals.
 - D. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Town Engineer.
 - E. Provide that if the property is not maintained or repaired within the prescribed schedule, the Town Engineer shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the Town Engineer's cost of performing the maintenance shall be a lien against the property.
- (8) Dedication. The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
- (9) Sediment and Erosion Control Plans. The applicant must prepare and implement a sediment and erosion control plan for all construction activities that complies with section 14-406 (9) below.
- A. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Utah. The plan shall also conform to the requirements found in the Storm Water Drainage Design Manual, and shall include at least the following:

- B. Project Description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- C. A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- D. All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- E. A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- F. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- G. Approximate limits of proposed clearing, grading and filling.
- H. Approximate flows of existing stormwater leaving any portion of the site.
- I. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- J. Location, size and layout of proposed stormwater and sedimentation control improvements.
- K. Proposed drainage network.
- L. Proposed drain tile or waterway sizes.
- M. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- N. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP's.
- O. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- P. Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the Town Engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the Town Engineer.

Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

- Q. Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- R. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

14-407. Post Construction.

- (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the Town Engineer is required before any performance security or performance bond will be released. The Town Engineer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the Town Engineer.
- (2) Landscaping and stabilization requirements for individual residential lots. For individual lots in residential construction, final stabilization must be completed within two years of the issuance of the Certificate of Occupancy.

“Final stabilization” is achieved when the following conditions are met:

- A. All soil disturbing activities at the site have been completed
- B. A uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures.

For individual lots in residential construction, final stabilization means that either the homebuilder has completed final stabilization as specified above, or the homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner. The homeowner is obligated, by this ordinance, to complete the requirements for final stabilization within two years.

- (3) Landscaping and stabilization requirements for all other construction activities. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the Town Engineer. The following criteria shall apply to revegetation efforts:
 - A. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

- B. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - C. Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.
 - D. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in section 406.
- (4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 3 years. These records shall be made available to the Town Engineer during inspection of the facility and at other reasonable times upon request.
- (5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the Town Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Town Engineer shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the Town Engineer may take necessary corrective action. The cost of any action by the Town Engineer under this section shall be charged to the responsible party.

14-408. Waivers.

- (1) General. Every applicant shall provide for post construction stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the Town Engineer for approval.
- (2) Conditions for waiver. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- A. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
 - B. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Town Engineer.
 - C. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3) Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the Town Engineer that the waiver will not lead to any of the following conditions downstream:
- A. Deterioration of existing culverts, bridges, dams, and other structures;
 - B. Degradation of biological functions or habitat;
 - C. Accelerated stream bank or streambed erosion or siltation;
 - D. Increased threat of flood damage to public health, life or property.
- (4) Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

14-409. Existing locations and developments.

- (1) Requirements for all existing locations and developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance and which discharge or have the potential to discharge to the municipal stormwater facilities:
- A. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manuals and on a schedule acceptable to the Town Engineer.
 - B. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - C. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
 - D. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
 - E. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
 - 1. Ponds
 - a. Detention pond

- b. Extended detention pond
 - c. Wet pond
 - d. Alternative storage measures
- 2. Constructed wetlands
- 3. Infiltration systems
 - a. Infiltration/percolation trench
 - b. Infiltration basin
 - c. Drainage (recharge) well
 - d. Porous pavement
- 4. Filtering systems
 - a. Catch basin inserts/media filter
 - b. Sand filter
 - c. Filter/absorption bed
 - d. Filter and buffer strips
- 5. Open channel
 - a. Swale

(2) Requirements for existing problem locations. The Town Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The Town Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the Town Engineer under this section are subject to appeal under section 14-413 of this ordinance.

14-410. Illicit discharges.

(1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

- (2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

Uncontaminated discharges from the following sources:

- a. Water line flushing or other potable water sources,
- b. Surface runoff from storm events,
- c. Roof runoff,
- d. Landscape irrigation or lawn watering with potable water,
- e. Diverted stream flows,
- f. Rising ground water,
- g. Groundwater infiltration to storm drains,
- h. Uncontaminated pumped groundwater,
- i. Foundation or footing drains,
- j. Crawl space pumps,
- k. Air conditioning condensation,
- l. Springs,
- m. Natural riparian habitat or wet-land flows,
- n. Swimming pools (if dechlorinated - typically less than one PPM chlorine),
- o. Emergency Fire fighting activities, and
- p. Any other uncontaminated water source.
- q. Discharges specified in writing by the Town Engineer as being necessary to protect public health and safety.
- r. Dye testing is an allowable discharge if the Town Engineer has so specified in writing.
- s. The prohibition shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

- (3) Prohibition of illicit connections.

- a. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (4) Dumping. It is unlawful for any person to dump, or allow to be dumped into any sump, detention basin, storm drain, curb and gutter, drain inlet, or any other storm drainage structure that conveys storm water and/or non-storm water, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, heavy metal, acid or base product, solid or

liquid waste product, hazardous waste product, concrete or related products, and/or human or animal waste.

- (5) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants and/or to remove such pollutants from the municipal separate storm sewer system. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- (6) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Town Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town Engineer within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

14-411. Enforcement

- (1) Enforcement authority. The Town Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this section.
 - a. With the issuance of a Land Disturbance Permit, the Town Engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Vineyard Town ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications. All inspections shall be documented and written reports prepared that contain the following information:
 - i. The date and location of the inspection;
 - ii. Whether construction is in compliance with the approved stormwater management plan;

- iii. Variations from the approved construction specifications;
 - iv. Any violations that exist.
- b. Building Official Enforcement. The Building Official is not permitted to perform a building inspection if the site is not in conformance with any aspect of this ordinance.

(2) Notification of violation.

- A. Written Notice. Whenever the Town Engineer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the Town Engineer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Town Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- B. Consent Orders. The Town Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (D) and (E) below.
- C. Show Cause Hearing. The Town Engineer may order any person who violates this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- D. Compliance Order. When the Town Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- E. Cease and Desist Orders. When the Town Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - 1. Comply forthwith; or

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (3) Conflicting standards. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manuals adopted by the municipality under this ordinance, the strictest standard shall prevail.
- (4) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Town Engineer, shall be guilty of a Class B Misdemeanor.

14-412. Penalties

- (1) Under the authority provided in Utah Code Annotated 10-8-84 and 10-3-703, the municipality declares that any violation of the provisions of this ordinance is a Class B Misdemeanor. Each day of violation shall constitute a separate offense. The Town may assess a civil penalty in addition to filing criminal charges for each violation of this ordinance.
- (2) Measuring civil penalties. In assessing a civil penalty, the Town Engineer may consider:
 - A. The harm done to the public health or the environment;
 - B. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - C. The economic benefit gained by the violator;
 - D. The amount of effort put forth by the violator to remedy this violation;
 - E. Any unusual or extraordinary enforcement costs incurred by the municipality;
 - F. The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - G. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (3) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover:
 - A. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
 - B. The costs of the municipality's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this ordinance.

- (4) Other remedies. The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (5) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

14-413. Appeals.

- (1) Appeals to Vineyard Town Council. Pursuant to Utah Code 10-3-703.7 Annotated, any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the an administrative law judge appointed for that purpose by the Vineyard Town Council.
- (2) Appeals to be in writing. The appeal shall be in writing and filed with the Town Recorder within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (3) Hearing in the public. Upon receipt of an appeal, the Vineyard Town Council shall hold a hearing within thirty (30) days. Ten (10) days notice by registered mail shall be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the Vineyard Town Council shall be final.
- (4) Appealing decisions of the municipality's governing body. Any alleged violator may appeal a decision of the Vineyard Town Council pursuant to the provisions of Utah Code 10-3-703.7 Annotated.

APPENDIX

APPLICATION FOR WATER CONNECTION

TO THE TOWN OF VINEYARD

I hereby apply for permission to connect my premises at _____ with the town of Vineyard water system and hereby agree as follows:

1. a. The town shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed within my property. I agree to pay the town the connection charges and fees as may be fixed by the town council by resolution or ordinance including a reservoir charge if so provided.

Additionally, I agree to pay \$_____ for inspection and overhead charges and other miscellaneous costs of the town as may be fixed by the town council by resolution or ordinance.

The work of extending the water connection from the point to which the town installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.

- b. The connection so made by the town, including the meter, shall remain the property of the town at all times, and the town shall have access thereto at all times.
2. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the town.
3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the town and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements of the town or of any other governmental agency having jurisdiction to regulate the water system within the town.
4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the town applicable to town's water system.
5. The purpose for which the water connection will be used is _____
6. The town shall have free access to the lines and meters installed under this agreement and, at reasonable times, through my property if necessary.

Dated this _____ day of _____, 200____.

(Applicant)

APPLICATION FOR WATER SERVICE

TO THE TOWN OF VINEYARD, UTAH

The undersigned hereby applies for water service for premises located at _____, and hereby agrees:

1. To pay charges for such water service as are fixed from time to time by the town council until such time as I shall direct such service to be discontinued.
2. In the event of a failure to pay water charges within the due dates fixed by the town council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the town council regulating the use of the water system, that the town shall have the right to discontinue the water system service at its election, pursuant to five days written notice of the town's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this ordinance or regulations issued thereunder is eliminated.
3. To be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the town council applicable to the town's water system.

Applicant does hereby deposit \$_____ with the town on the filing of this application for water service, and it is agreed and understood that the town may, but need not, apply the deposit upon bills due for prior service and that the right of the town to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services.

On final settlement of applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the town at the time the deposit is made.

4. That the deposit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of water service shall not have the right to compel the town to apply the deposit to any account to avoid delinquency.

Dated this _____ day of _____, 200_____.

(Applicant)

OWNERS WATER SERVICE AGREEMENT

"In consideration of the acceptance of the application for water service submitted by (tenant) _____, I or we will pay for all water services for any such tenant or any other occupant of _____ premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules regulations or resolutions enacted by the town.

Dated this _____ day of _____, 200____.

(Applicant)

APPLICATION FOR SEWER SERVICE

TO THE TOWN OF VINYARD

The under undersigned hereby applies for sewer services from the town for premises located at __ and hereby agrees to pay charges for such sewer services as shall be fixed by the town council of the town by resolution or ordinance until such time as I shall direct such service to be discontinued. In the event of a failure to pay for this service within the due dates fixed by the town council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the town council relating to the use of the sewer system, the town shall have the right to discontinue my water service from the town water system until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to the sewer ordinances or regulations issued thereunder is eliminated.

Additionally, I agree that the town shall have the right to institute collection proceedings by all means available to it, including suit in a court of proper jurisdiction.

The applicant agrees to pay all costs of collection including court costs and attorney's fees.

The undersigned agrees to be bound by the rules, regulations resolutions or ordinances enacted or adopted by the town council of the town applicable to the town's sewer system.

Dated this _____ day of _____, 200____.

(Applicant)

OWNERS SEWER SERVICE AGREEMENT

In consideration of the acceptance of the application for sewer service submitted by (any present or future tenant) _____, I, or we, will pay for all sewer services furnished to such tenant, or other occupant of _____(premises)_____, in case such tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the town.

Dated this _____ day of _____, 200____.

(Applicant)

RESOLUTION NO. 2015-__

A RESOLUTION AMENDING THE TOWN UTILITY RATES AND OTHER FEES

WHEREAS, Section 10-3-717 UCA authorizes towns to establish the amount of fees to be charged for municipal services to be set by resolution, and

WHEREAS, The Town Ordinances, in various locations, provides for the establishment of fee amounts for certain municipal services, by resolution of the Town Council.

WHEREAS, a Public Hearing was duly noticed and was held on the 10th day of June, 2015 on the proposed amendment

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF VINEYARD, UTAH as follows:

That the Town of Vineyard Fee Schedule will be amended to adjust the utility rates and other fees as shown in the consolidated fee schedule:

See exhibit A

**PASSED BY THE TOWN COUNCIL OF VINEYARD, UTAH THIS 10th DAY OF
June 2015**

APPROVED:

Mayor Randy Farnworth

ATTEST:

Pamela Spencer, Town Clerk/Recorder

RESOLUTION 2015-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF VINEYARD, UTAH APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 2014-2015.

WHEREAS, the Mayor and staff of The Town of Vineyard, Utah has, on March 25, 2015, and May 13, 2015 presented to the Town Council a Preliminary and Tentative Budget for fiscal year 2015-2016; and

WHEREAS, the Town Council, on due public notice, held public a hearing on June 10, 2015 in the Council Chamber of the Vineyard Town Hall to receive input regarding the budget prior to adopting the final 2015-2016 budget; and

WHEREAS, the Town Council has considered the budget as submitted and all information presented at the public hearing and has made all changes and amendments which the Town Council desires to make; and

WHEREAS, the Town Council desires to set a certified tax rate in accordance with Utah State Code 59-2-912; and

WHEREAS, the Town Council will appropriate sufficient revenues to finance and balance this budget; now

**THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF VINEYARD, UTAH AS
FOLLOWS:**

- Section 1. The Town Council hereby adopts the budget for fiscal year 2015-2016, effective July 1, 2015 which are attached hereto and incorporated herein by references:
- Section 2. The Certified Tax Rate is hereby set at .002878
- Section 3. A copy of the Vineyard Town Budget shall be placed in the Vineyard Town Hall and be available for review.
- Section 4. This resolution shall take effect immediately upon passage.
- Section 5. All other resolutions, ordinances and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED and ADOPTED by the Town Council of Vineyard, Utah this 10th day of June 2015.

Randy Farnworth, Mayor

ATTEST:

Pamela Spencer, Recorder

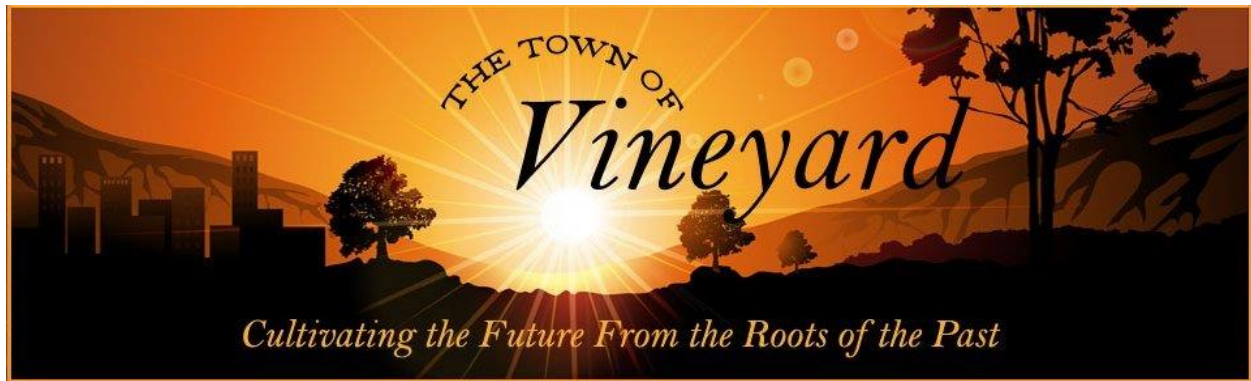
{Seal}

COUNCIL MEMBERS VOTING “AYE”

COUNCIL MEMBERS VOTING “NAY”

DRAFT

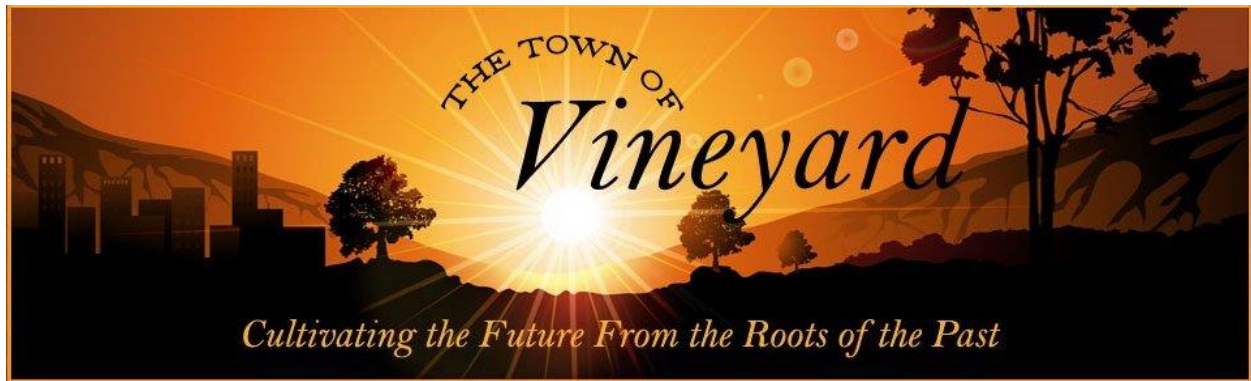
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Consolidated Fee Schedule

2015-2016 Fiscal Year

• Administrative	2
• Utilities	2
• Sanitation	3
• Facilities Rental	3
• Business Licensing	4
• Land Use Applications	4
• Building Permit Fees	6
• Building Inspection Fees	7
• Impact Fees	7
• Pass Through Fees	8
• Water Department Fees	8
• Appendix A – Impact Fee Area Maps	10

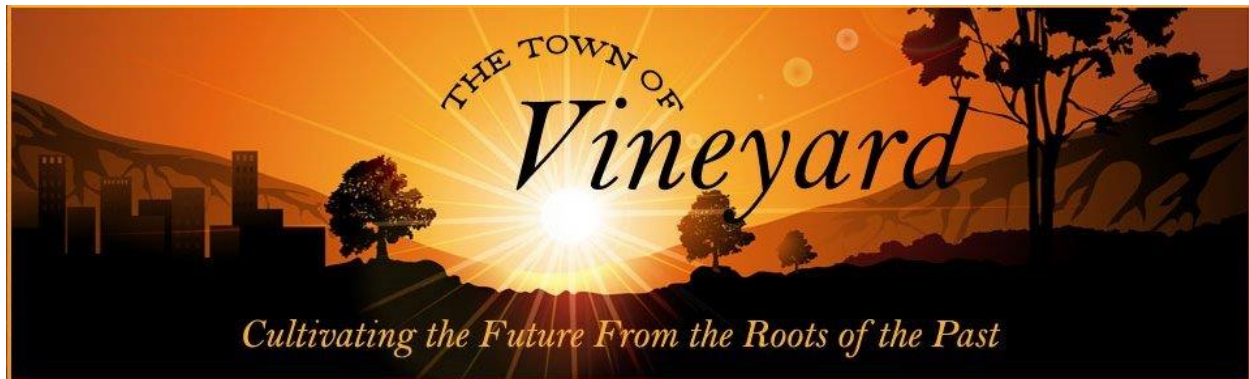


ADMINISTRATIVE FEES

Records (GRAMA) Requests	per hour for staff time after first 15 minutes (based on lowest paid employee working on the request) Copies -10 cents per page
Returned Checks	\$10.00
Colored Map Copies – 8 1/2 x 11	\$3.00
Black and White Map Copies	Free
“Our Vineyard Heritage” Books	\$30 (One free per Vineyard household)
Notarization	Free
Library Card/Fitness Center Reimbursement	\$80 annual reimbursement per Vineyard household (can be used toward non-resident library card OR municipal fitness center membership)
Weed Abatement	Actual Abatement Costs

UTILITY FEES

Water Base Rate ¾” Meter	\$24.48 first 8,000 gallons
Water Usage Rate	\$1.18 per 1,000 gallons over base
Water Base Rate 1” Meter	\$33.87 first 8,000 gallons
Water Base Rate 1 ½” Meter	\$43.26 first 8,000 gallons
Water Base Rate 2” Meter	\$69.09 first 8,000 gallons
Water Base Rate 3” Meter	\$259.28 first 8,000 gallons
Water Base Rate 4” Meter	\$329.72 first 8,000 gallons
Water Base Rate 6” Meter	\$494.08 first 8,000 gallons



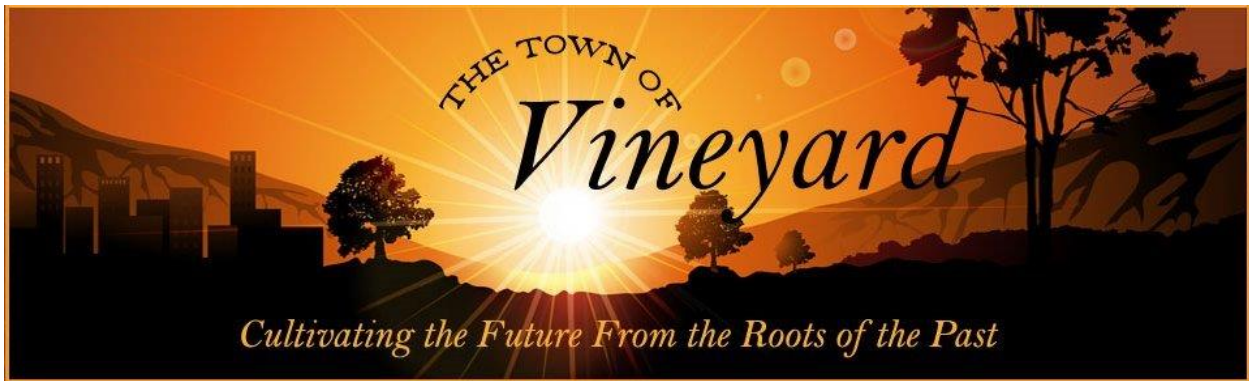
Water Base Rate 8" Meter	\$658.44 first 8,000 gallons
Sewer Base Rate	\$16.04 first 4,000 gallons
Sewer Usage Rate	\$1.67 per 1,000 gallons over base
Transportation Utility	\$3.5 Per ERU
Storm Water Utility	\$4 Per ERU

SANITATION FEES

90 Gallon Residential Can	\$13
Second 90 gallon Residential Can	\$8
Recycling Can	\$6

FACILITIES RENTAL

Park Pavilion Rental – Resident	\$25 per 6 hour time slot
Park Pavilion Rental – Non Resident	\$50 per 6 hour time slot
Park Pavilion Cleaning Deposit – Resident	\$25 per day
Park Pavilion Cleaning Deposit – Non-resident	\$50 per day
Town Hall Rental – Resident	Unavailable at this time
Town Hall – Non-Resident	Unavailable at this time
Town Hall Cleaning Deposit – Resident	Unavailable at this time
Town Hall Cleaning Deposit – Non Resident	Unavailable at this time
Town Hall – Wedding/Reception – Resident (currently unavailable)	Unavailable at this time



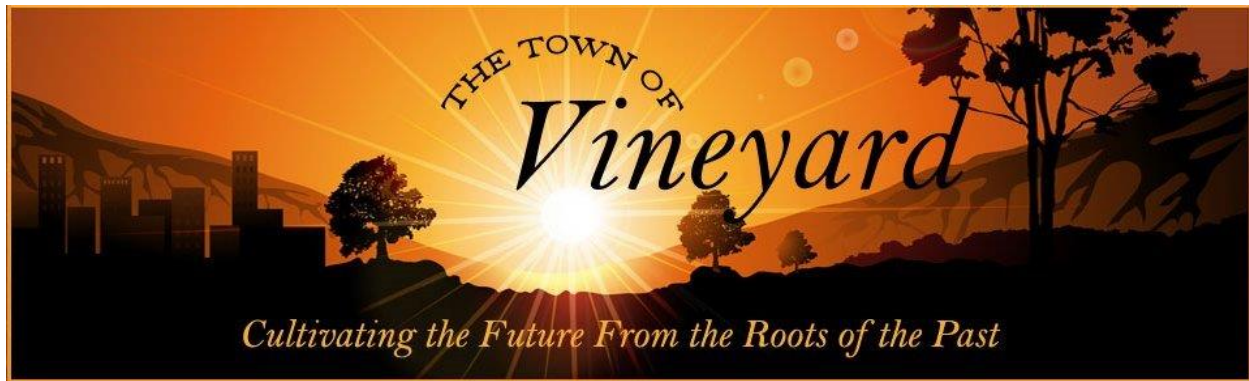
Town Hall – Wedding/Reception – Non-resident (currently unavailable)	Unavailable at this time
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ANNUAL BUSINESS LICENSING FEES

Home Occupation	\$25
Industrial Manufacturing/Distribution	\$250
Restaurant/Food	\$190
Retail	\$215
Service Related	\$75
Transient/Itinerant Merchant (30 day maximum)	\$10
Duplicate License	\$10
Unclassified Business	\$25 Base fee until classification established by Resolution
Business fitting in 2+ Categories	Higher rate
Late Fee	Double if not paid by January 2

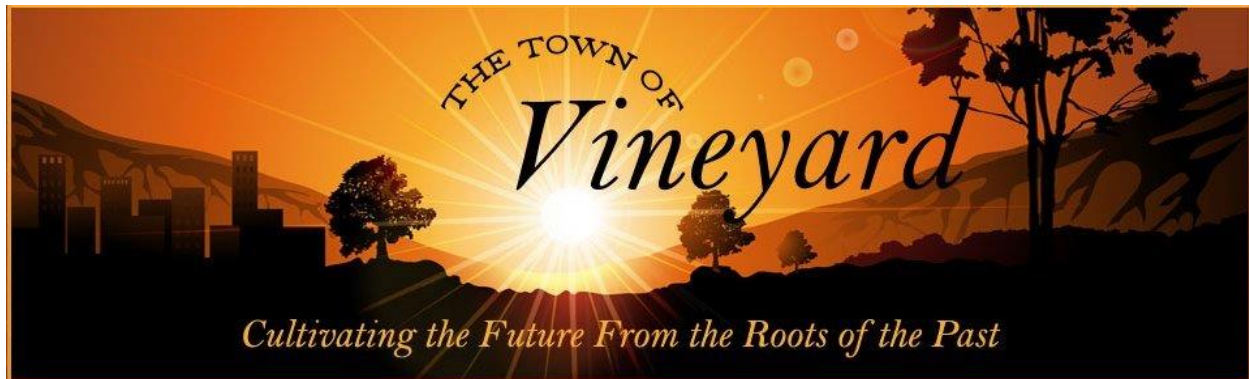
LAND USE APPLICATION FEES

Development Agreement	\$1,500
Development Agreement Amendment	\$1,500
Subdivision – Preliminary Plat	\$1,930 + \$6.20 per lot
Subdivision – Preliminary Plat – Additional Review	\$786 + \$2.50 per lot
Subdivision – Final Plat	\$1,940 + \$6.20 per lot



Subdivision – Final Plat Additional Reviews	\$1010 + \$2.50 per lot
Condominium Plat – New or Conversion	\$1,406 + \$25 per unit
Major Plat Amendment	\$1,706
Minor Plat Amendment	\$1,406

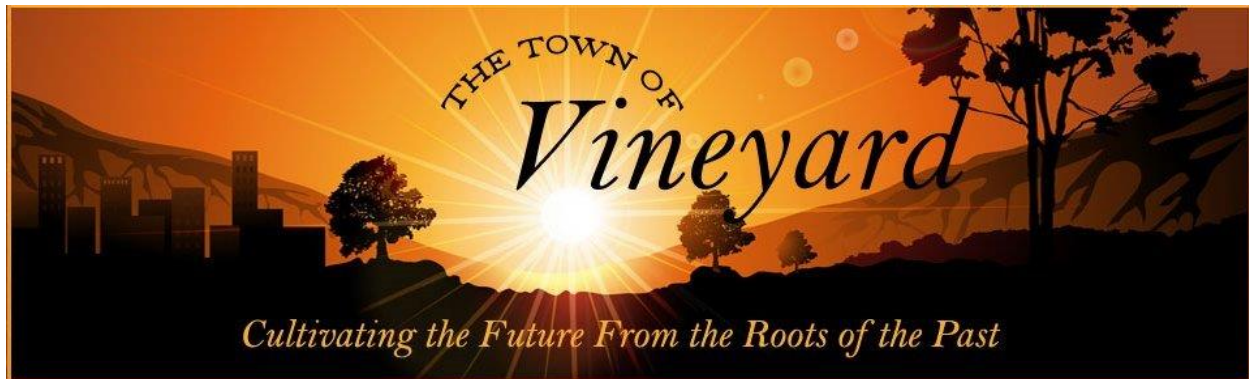
Recording Fees	As charged by Utah County Recorder
Site Plan – Residential	\$2,663
Site Plan – Non-residential	\$3,756
Site Plan – Non-residential – Additional Reviews	\$1,693 for each additional review after two reviews
General Plan Text or Map Amendment	\$500
Land Use Ordinance Text or Map Amendment	\$500
Conditional Use Permit	\$250
Temporary Use Permit	\$75
Variance	\$100
Appeals	\$100
Zoning Verification	\$50
Land Disturbance Permit	\$30
Land Disturbance Permit – Subdivision and Site Plan	Included in Subdivision or Site Plan review costs
Inspection Fees	2% of bid tabulation placed in escrow before construction begins. Un-used inspection fees shall be returned when the bond is released.
Demolition	Up to \$500 plan review fee



Right-of-Way/Road Cut Permit	\$100 + \$1 per square foot
Infrastructure Construction	Bond/Escrow account as determined by bid tabulation
Building Relocation	\$500 Plan Review Fee

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$ 500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$ 100 or fraction thereof, to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000



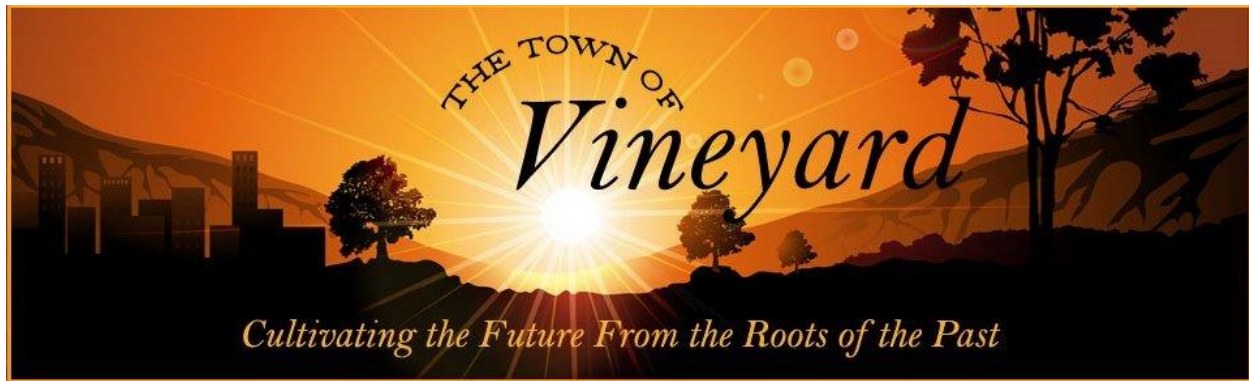
\$5,000,001 and over	\$18,327 for the first \$ 5,000,000; plus \$1 for each additional \$1,000 or fraction thereof
Residential Plan Review	25% of Building Permit Fee
Commercial Plan Review	65% of Building Permit Fee

BUILDING INSPECTION FEES

Inspections outside of normal business hours, minimum two hour charge	\$48 per hour
Re-inspection	\$48 per hour
Inspection for which no specific fee is indicated, minimum half-hour charge	\$48 per hour
Additional plan review required by changes, additions, or revisions to plans, minimum half hour charge	\$48 per hour
Use of outside consultants for plan checking and inspections, or both	Actual costs, including administrative and overhead costs
Fire inspection	Included in Business License Fee

IMPACT FEES (See Impact Fee Area Maps)

Sewer Facilities	<ul style="list-style-type: none"> • Area A - \$539 • Area B - \$2,391 • Area C – RDA
Culinary and Irrigation Water Systems	<ul style="list-style-type: none"> • Area A - \$873 • Area B (RDA) - \$521
Roadway Facilities	<ul style="list-style-type: none"> • Area A - \$3,586



	<ul style="list-style-type: none"> • Area B (RDA) - \$1,286
Storm and Ground Water	<ul style="list-style-type: none"> • Area A - \$222 • Area B - \$337 • Area C - \$237

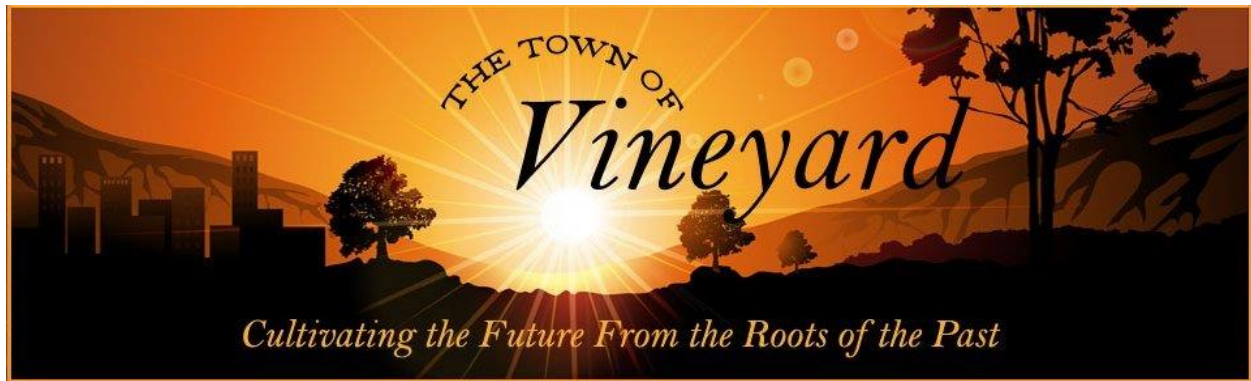
PASS THROUGH FEES

Timpanogos Special Service District	\$2,475 Per ERU
Orem Water Reclamation	\$3,808 Per ERU
Orem Water Rights	<ul style="list-style-type: none"> • Apartment Complex Per Unit - \$1,124.85 • Four-plex Per Unit - \$1,280.82 • Duplex Per Unit - \$1,943.74 • Single Family ¾" meter - \$3,698.52 • Condo Per Unit - \$2,138.72 • Landscape Meter - \$4,088.47 • Small Commercial ¾" meter - \$1,592.79

All impact fees will be assessed at the time building permits are issued. All other development Impact Fees will be calculated based on Equivalent Residential Units.

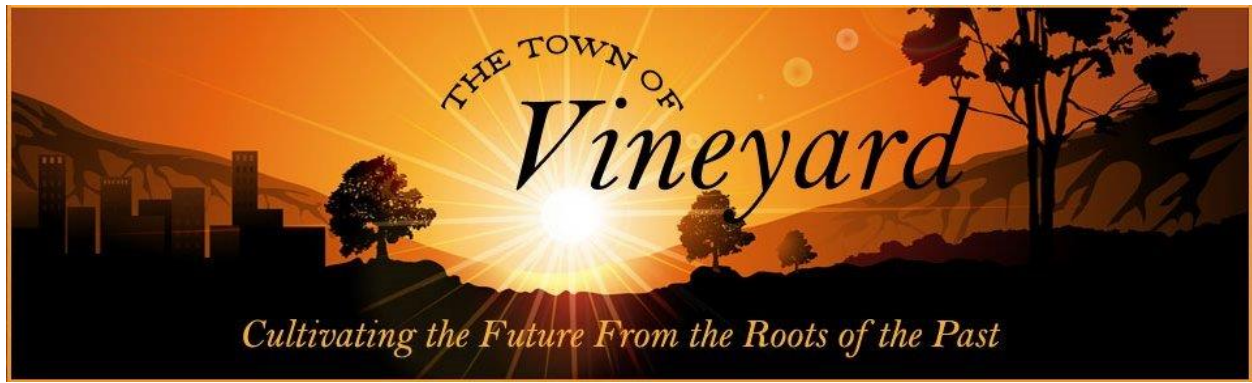
WATER DEPARTMENT FEES

¾ inch water meter & connection fee	\$363.00
1 inch water meter & connection fee	\$495



1 ½ inch water meter & connection fee	\$775
2 inch water meter & connection fee	\$1,206
Water lateral inspection fee	\$40
Water meter shut off/turn on	\$50
Water meter shut off/turn on (after hours)	\$70
Utility sign-up fee	\$20

Fire hydrant Meter Rental & Usage	
Construction water meter deposit	\$1,100
Daily rate – construction meter	\$10/100 month
Rate of water – construction meter	\$2 Per 1,000 gallons of water
Single family residential construction water	\$50 minimum
Non-residential construction water	\$50 minimum
Illegal connection to water system	\$1,000 per occurrence



APPENDIX A

IMPACT FEE AREA MAPS

Town of Vineyard
State Budget Report
10 General Fund - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Change In Net Position			
Revenue:			
Taxes			
3110 PROPERTY TAXES	613,646	775,000	900,000
3120 MOTOR VEHICLE	-	4,000	-
3130 SALES TAXES	298,854	135,000	150,000
3138 FRANCHISE TAX	195,860	175,000	200,000
Total Taxes	1,108,360	1,089,000	1,250,000
Licenses and permits			
3210 BUSINESS LICENSES AND PERMITS	7,080	7,500	7,500
3221 BUILDING PERMITS	571,534	400,000	250,000
Total Licenses and permits	578,614	407,500	257,500
Intergovernmental revenue			
3356 CLASS "C" ROAD FUND ALLOTMENT	18,606	23,000	23,000
3358 STATE LIQUOR FUND ALLOTMENT	-	450	-
Total Intergovernmental revenue	18,606	23,450	23,000
Charges for services			
3410 DEVELOPMENT FEES	223,512	125,000	125,000
3510 SANITATION FEES	25,933	25,000	66,000
3520 INSPECTION FEES	78	186,960	200,000
Total Charges for services	249,523	336,960	391,000
Fines and forfeitures			
3710 LAW ENFORCEMENT FINES & FEES	932	5,500	5,500
Total Fines and forfeitures	932	5,500	5,500
Interest			
3660 INTEREST EARNINGS	12,475	8,000	15,000
Total Interest	12,475	8,000	15,000
Miscellaneous revenue			
3620 RENTS AND CONCESSIONS	1,150	1,000	3,000
3640 HISTORY BOOK	-	-	-
3681 DONATIONS FROM PRIVATE SOURCES	-	-	3,000
3690 SUNDRY REVENUES	7,613	5,000	-
Total Miscellaneous revenue	8,763	6,000	6,000
Contributions and transfers			
3695 EXCESS BEG FUND CLASS C	-	-	-
3699 EXCESS BEG. FUND APPROPRIATION	-	300,000	-
3825 TRANSFER FROM RDA	-	-	-
Total Contributions and transfers	-	300,000	-
Total Revenue:	1,977,273	2,176,410	1,948,000
Expenditures:			
General government			
Administrative			
4311 Admin SALARIES AND WAGES	169,328	237,424	291,000
4313 Admin EMPLOYEE BENEFITS	27,864	46,369	51,000
4321 Admin BOOKS/SUBSCRIPTIONS/MEMBERSHPS	5,408	7,000	7,000
4322 Admin PUBLIC NOTICES	1,085	1,500	1,500
4323 Admin TRAVEL	4,905	5,573	10,000
4324 Admin OFFICE SUPPLIES AND EXPENSE	11,001	17,500	7,500

Town of Vineyard
State Budget Report
10 General Fund - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
4325 Admin EQUIPMENT-SUPPLIES & MAINT	21,750	12,000	33,500
4326 Admin INFORMATION SYSTEMS	14,444	13,000	17,000
4327 Admin UTILITIES	24,252	26,100	26,000
4328.0 Admin ADMINISTRATIVE COSTS	31,914	93,173	65,900
4331 Admin PROF & TECHNICAL SERVICES	6,314	-	-
4333 Admin EDUCATION & TRAINING	3,004	6,500	16,000
4342 Admin BANK CHARGES	2,677	3,500	4,000
4349 Admin ELECTIONS	1,482	-	5,000
4351 Admin INSURANCE AND SURETY BONDS	12,088	20,500	19,500
Total Administrative	337,516	490,139	554,900
Non-Departmental			
5031 Prof & Tech Services GENERAL	1,200	-	-
5031.1 Prof & Tech Services PLANNER	27,903	40,000	40,000
5031.2 Prof & Tech Services ENGINEER	230,231	256,960	275,000
5031.3 Prof & Tech Services FIN PLAN	-	-	-
5031.4 Prof & Tech Services AUDITOR	7,600	7,600	7,600
5032.0 Prof & Tech Services LEGAL	12,000	15,000	15,000
5051.0 Prof & Tech Services LIBRARY REIM FEES	1,751	4,000	4,000
5061.0 Prof & Tech Services MISCELLANEOUS SUPPLIES	-	-	-
Total Non-Departmental	280,685	323,560	341,600
Buildings and grounds			
5125.0 Buildings & Grounds EQUIPMENT MAINT	480	25,000	35,000
5126.0 Buildings & Grounds SUPPLIES & MAINT	999	3,300	4,500
51740 Public Works Capital Outlay	9,058	-	-
Total Buildings and grounds	10,537	28,300	39,500
Inspections			
5310.0 Inspector BUILDING INSPECTOR	33,000	90,000	30,000
Total Inspections	33,000	90,000	30,000
Total General government	661,738	931,999	966,000
Public safety			
Police			
5431.0 Police LAW ENFORCEMENT	11,857	72,000	112,000
5431.1 Police FIRE SERVICES	81,568	165,000	285,000
5431.2 Police DISPATCH	3,593	8,000	8,000
Total Police	97,018	245,000	405,000
Total Public safety	97,018	245,000	405,000
Highways and public improvements			
Highways			
6011.0 Public Works SALARIES AND WAGES	-	43,708	150,000
6013.0 Public Works EMPLOYEE BENEFITS	-	8,853	31,000
6025.0 Public Works EQUIPMENT-SUPPLIES & MAINT	16,642	21,000	36,000
6031.0 Streets PROF & TECHNICAL SERVICES	19,792	36,000	41,000
6032.0 Public Works REPAIRS & MAINTENANCE	1,978	50,000	100,000
Total Highways	38,412	159,561	358,000
Sanitation			
5235.0 Sanitation SERVICES	20,332	38,000	58,000
Total Sanitation	20,332	38,000	58,000
Total Highways and public improvements	58,744	197,561	416,000

Town of Vineyard
State Budget Report
10 General Fund - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Parks, recreation, and public property			
Recreation			
7248.0 Public Works DEPT SUPPLIES	1,746	5,000	3,000
7260.0 Parks SUPPLIES	131	15,000	5,000
7270.0 Parks MAINTENANCE	16,966	60,000	60,000
7276.0 YOUTH COUNCIL	3,906	10,000	10,000
Total Recreation	22,749	90,000	78,000
Total Parks, recreation, and public property	22,749	90,000	78,000
Transfers			
9505.0 TRANSFER TO CAPITAL PROJ FUND	850,000	711,850	83,000
9510.0 TRANSFER TO PARK PROJECT FUND	-	-	-
9580 Budgeted Increase in Fund Balance	-	-	-
Total Transfers	850,000	711,850	83,000
Total Expenditures:	1,690,249	2,176,410	1,948,000
Total Change In Net Position	287,024	-	-

Town of Vineyard
State Budget Report
23 Impact Fees - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Change In Net Position			
Revenue:			
Interest			
3810.0 INTEREST EARNINGS - PUBLIC SAF	490	-	-
3820.0 INTEREST EARNINGS - ROADWAY	-	-	-
3830.0 INTEREST EARNINGS - PARK FACIL	6	-	-
3840.0 INTEREST EARNINGS - STORM SYST	3	-	-
3850.0 INTEREST EARNINGS - STORM & GR	-	-	-
Total Interest	499	-	-
Miscellaneous revenue			
3110.0 PUBLIC SAFETY FACILITIES	-	-	-
3120.0 ROADWAY FACILITIES	432,036	487,200	487,200
3130.0 PARK FACILITIES	-	-	-
3140.0 STORM SYSTEM	-	-	-
3150.0 STORM & GROUND WATER FACILTIES	21,905	33,700	40,000
3890 EXCESS BEG. FUND APPROPRIATION	-	-	-
Total Miscellaneous revenue	453,941	520,900	527,200
Total Revenue:	454,440	520,900	527,200
Expenditures:			
Miscellaneous			
4060.0 PUBLIC SAFETY FACILITIES	-	-	-
4061.0 ROADWAY FACILITIES	163,506	90,000	90,000
4062.0 PARK FACILITIES	-	-	-
4063.0 STORM SYSTEM	-	-	-
4064.0 STORM & GROUND WATER FACILITIE	21,231	40,000	40,000
4980 Budgeted Increase in Fund Balance	-	-	-
Total Miscellaneous	184,737	130,000	130,000
Total Expenditures:	184,737	130,000	130,000
Total Change In Net Position	269,703	390,900	397,200

Town of Vineyard
State Budget Report
25 Redvelopment Agency - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Change In Net Position			
Revenue:			
Taxes			
3110 PROPERTY TAX INCREMENT	3,763,506	4,605,741	3,422,400
3111 DELINQUENT PROP TAX INCREMENT	-	-	-
3112 PROPERTY TAX HOUSING	-	-	920,000
3113 PROPERTY TAX ADMIN	-	-	257,600
Total Taxes	3,763,506	4,605,741	4,600,000
Interest			
3660 INTEREST INCOME	62,547	40,000	37,000
Total Interest	62,547	40,000	37,000
Miscellaneous revenue			
3430 ADMINISTRATIVE COSTS	2,970	-	34,864
3690 MISCELLENEOUS REVENUE	-	-	-
3820 BOND PROCEEDS	-	-	-
Total Miscellaneous revenue	2,970	-	34,864
Contributions and transfers			
3610 TRANSFER FROM GENERAL FUND	-	-	-
3810 GRANT REVENUE	-	-	-
3960 EXCESS BEG. FUND APPROPRIATION	-	927,416	-
Total Contributions and transfers	-	927,416	-
Total Revenue:	3,829,023	5,573,157	4,671,864
Expenditures:			
Miscellaneous			
5500 RDA Salaries & Wages	15,837	72,974	75,000
5510 Employee Benefits	1,455	18,643	19,000
5520 PUBLIC NOTICES	43	1,000	1,000
5531 PROF & TECH - GENERAL	158,861	26,400	26,400
5532 PROF & TECH - PLANNER	2,842	5,000	5,000
5533 PROF & TECH - ENGINEER	27,803	75,000	5,000
5534 PROF & TECH - FIN PLAN	40,320	90,000	20,000
5535 PROF & TECH - AUDITOR	2,400	2,400	2,400
5536 Engineering Project Costs	212,225	-	-
5537 ADMINISTRATIVE FEE	-	200,000	-
5540 HOUSING FUND	-	767,305	200,000
5541 SCHOOL DISTRICT MITIGATION	-	-	-
5542 UVU PAYMENT	131,865	138,767	250,000
5561 MISCELLENEOUS EXPENSES	148,689	-	-
5600 Bond issuance costs	-	-	-
8010 SERIES 2012 PRINCIPLE PAYMENTS	684,000	670,000	688,000
8020 SERIES 2012 INTEREST PAYMENT	548,420	615,737	597,636
9070 CAPITAL PROJECTS	3,572,212	2,000,000	1,940,428
Total Miscellaneous	5,546,972	4,683,226	3,829,864
Transfers			
9520 TRANSFER TO GENERAL FUND	-	-	-
9552 TRANSFER TO SEWER FUND	-	889,931	-
9680 Budgeted Increase in Fund Balance	-	-	-
Total Transfers	-	889,931	-
Total Expenditures:	5,546,972	5,573,157	3,829,864

Town of Vineyard
State Budget Report
25 Redvelopment Agency - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Total Change In Net Position	(1,717,949)	-	842,000

Town of Vineyard
State Budget Report
45 Park Capital Projects - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Change In Net Position			
Revenue:			
Interest			
3060.0 INTEREST	-	-	-
Total Interest	-	-	-
Miscellaneous revenue			
3030.0 GRANT PROCEEDS	-	-	-
Total Miscellaneous revenue	-	-	-
Contributions and transfers			
3010.0 TRANSFER FROM GENERAL FUND	-	-	-
Total Contributions and transfers	-	-	-
Total Revenue:	-	-	-
Expenditures:			
Miscellaneous			
4031.0 ARCHITECHTURE/ENGINEERING	-	-	-
4032.0 CONSTRUCTION	-	-	-
4033.0 MATERIALS	-	-	-
Total Miscellaneous	-	-	-
Total Expenditures:	-	-	-
Total Change In Net Position	-	-	-

Town of Vineyard
State Budget Report
49 Capital Projects - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Change In Net Position			
Revenue:			
Interest			
3060.0 INTEREST	-	-	-
Total Interest	-	-	-
Miscellaneous revenue			
3030.0 GRANT PROCEEDS	-	-	-
Total Miscellaneous revenue	-	-	-
Contributions and transfers			
3010.0 TRANSFER FROM GENERAL FUND	850,000	711,850	83,000
3890 EXCESS BEG. FUND APPROPRIATION	-	-	300,000
Total Contributions and transfers	850,000	711,850	383,000
Total Revenue:	850,000	711,850	383,000
Expenditures:			
Miscellaneous			
4031.0 PROF & TECHINAL SERVICES	1,000	-	-
4032.0 CONSTRUCTION	-	496,000	300,000
4033.0 MATERIALS	-	-	-
Total Miscellaneous	1,000	496,000	300,000
Transfers			
4095.0 TRANSFER TO CAPITAL PROJECTS	-	-	-
4096.0 TRANSFER TO WATER FUND	-	169,850	83,000
4097.0 TRANSFER TO SEWER FUND	-	46,000	-
4890 Budgeted Increase in Fund Balance	-	-	-
Total Transfers	-	215,850	83,000
Total Expenditures:	1,000	711,850	383,000
Total Change In Net Position	849,000	-	-

Town of Vineyard
State Budget Report
51 Water Fund - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Change In Net Position			
Revenue:			
Contributions and transfers			
3925 TRANSFER FROM RDA	-	-	-
Total Contributions and transfers	-	-	-
Total Revenue:	-	-	-
Total Change In Net Position	-	-	-
Income or Expense			
Income From Operations:			
Operating income			
3710.0 WATER FEES	116,205	115,500	224,265
3720.0 CONNECTION FEES	63,576	67,450	57,450
3730.0 RECONNECTION FEES	-	1,000	1,000
Total Operating income	179,781	183,950	282,715
Operating expense			
4011.0 SALARIES AND WAGES	-	-	30,000
4013.0 EMPLOYEE BENEFITS	-	-	10,000
4021.0 BOOKS/SUBSCRIPTIONS/MEMBERSHPS	-	500	500
4023.0 TRAVEL	-	-	-
4025.0 EQUIPMENT-SUPPLIES & MAINT	56,007	61,500	61,500
4026.0 BLDG SUPPLIES & MAINTENANCE	-	-	-
4027.0 UTILITIES	169	500	1,000
4031.0 PROF & TECHNICAL SERVICES	15,191	29,300	5,500
4031.1 OREM CARRIAGE FEES	1,882	-	-
4031.2 CUWD PROJECT WATER ALLOT FEE	71,423	-	-
4031.3 OREM - FISCAL YEAR -WATER BILL	12,320	232,000	232,000
4031.4 CUWD - WATER TREATMENT	16,282	-	-
4031.5 LINDON - WATER BILL	3,322	8,000	8,000
4031.6 CUWCD - WATER BILL	5,632	22,000	22,000
4035.0 EQUIPMENT LEASE	-	-	-
4051.0 INSURANCE	-	-	-
4061.0 MISCELLANEOUS	558	-	-
4067.0 DEPRECIATION	94,619	-	-
Total Operating expense	277,405	353,800	370,500
Total Income From Operations:	(97,624)	(169,850)	(87,785)
Non-Operating Items:			
Non-operating income			
3760.0 IMPACT FEE-CULINARY & IRRIGATIO	267,647	174,600	174,600
3770 ADMINISTRATIVE COSTS	54,600	-	-
3810.0 INTEREST EARNINGS	4,740	4,000	4,000
3830.0 GRANT REVENUE	-	-	-
3910 Transfer from general fund	-	169,850	83,000
Total Non-operating income	326,987	348,450	261,600
Non-operating expense			
4066.0 IMPACT FEE-CULINARY & IRRIGATI	66,601	110,000	46,000
4082.0 DEBT SERVICE - INTEREST	-	-	-
Total Non-operating expense	66,601	110,000	46,000
Total Non-Operating Items:	260,386	238,450	215,600

Town of Vineyard
State Budget Report
51 Water Fund - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014	2015	2016
	Actual	Budget	Budget
Total Income or Expense	162,762	68,600	127,815

Town of Vineyard
State Budget Report
52 Sewer Fund - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	2014 Actual	2015 Budget	2016 Budget
Income or Expense			
Income From Operations:			
Operating income			
3710.0 SEWER FEES	32,289	45,000	68,923
3720.0 CONNECTION FEES	-	-	-
Total Operating income	32,289	45,000	68,923
Operating expense			
4011.0 SALARIES AND WAGES	-	-	20,000
4013.0 EMPLOYEE BENEFITS	-	-	5,916
4023.0 TRAVEL	-	-	-
4025.0 EQUIPMENT-SUPPLIES & MAINT	2,763	5,000	2,000
4027.0 UTILITIES	7,354	15,000	10,000
4031.0 PROF & TECHNICAL SERVICES	6,945	24,000	-
4031.1 LINDON - SEWER BILL	2,313	10,000	5,000
4031.2 OREM - SEWER BILL	97,036	37,000	25,000
4031.3 SEWER CONNECTION FEES DU	-	-	-
4036.0 EQUIPMENT RENTAL	-	-	-
4051.0 INSURANCE	-	-	-
4061.0 MISCELLANEOUS	-	-	-
4067.0 DEPRECIATION	455,460	-	-
4069.0 TSSD IMPACT FEE	-	-	-
Total Operating expense	571,871	91,000	67,916
Total Income From Operations:	(539,582)	(46,000)	1,007
Non-Operating Items:			
Non-operating income			
3760.0 IMPACT FEE-SEWER	1,069,133	700,000	478,200
3769.0 TSSD IMPACT FEE	-	-	-
3770.0 ADMINISTRATIVE COSTS	-	-	-
3810.0 INTEREST EARNINGS	-	-	-
3830.0 GRANT REVENUE	-	-	-
3910 Transfer from general fund	-	46,000	-
3925 TRANSFER FROM RDA	-	889,931	-
Total Non-operating income	1,069,133	1,635,931	478,200
Non-operating expense			
4066.0 IMPACT FEE-SEWER	504,501	1,600,000	318,816
4082.0 DEBT SERVICE - INTEREST	-	-	-
Total Non-operating expense	504,501	1,600,000	318,816
Total Non-Operating Items:	564,632	35,931	159,384
Total Income or Expense	25,050	(10,069)	160,391

Town of Vineyard
State Budget Report
91 General Fixed Assets - 07/01/2015 to 06/30/2016
100.00% of the fiscal year has expired

	<u>2014 Actual</u>	<u>2015 Budget</u>	<u>2016 Budget</u>
Change In Net Position			
Expenditures:			
Miscellaneous			
4100 Depn exp general government	16,005	-	-
4400 Depn exp highway and public works	41,631	-	-
4500 Depn exp parks and recreation	2,069	-	-
Total Miscellaneous	<u>59,705</u>	<u>-</u>	<u>-</u>
Total Expenditures:	<u>59,705</u>	<u>-</u>	<u>-</u>
Total Change In Net Position	<u>59,705</u>	<u>-</u>	<u>-</u>



Community Development

SUBJECT: Preliminary and Final Plat for the 2 Lot Lake Park Subdivision

MEETING DATE: June 10, 2015

TO: Town Council

FROM: Nathan Crane, Town Planner

REQUEST: Preliminary and Final Plat Approval for the 2 Lot Lake Park Subdivision

PARCEL SIZE: 1.72 acres

LOCATION: 1908 West 400 South

APPLICANT: City of Orem

OWNER: City of Orem

BACKGROUND:

The property is designated as Low Density Residential (1-2.5 du/ac) on the General Plan Land Use Map. The property was zoned A-1. A request to rezone the property to R-2-15,000 is being considered as a separate agenda item.

SUMMARY OF REQUEST:

1. The proposed preliminary plat include 2 lots as follows:

Lot	Lot Size
1	0.345 acres
2	1.33 acres

2. Lot one has an existing single family home. Lot 2 will be soccer fields for the City of Orem Lake Side Park. Review and approval of a conditional use permit will be required prior to construction of the parking lot.
3. Access to the site is provided from 400 South.

CITIZEN PARTICIPATION:

Public notifications and public hearings are not required for preliminary or final plat applications.

ANALYSIS:

- The property is designated as Low Density Residential (1-2.5 du/ac). The proposed density is consistent with the General Plan.
- The preliminary plat meets the size requirements of the R-2-15,000 zoning district. Lot one does not meet the lot frontage requirements for Lot 2. The minimum requirement is 100 feet and 37.17 feet is provided. The Council may approve a flag as provided in Section 1618.

FINDINGS:

With the proposed stipulations, the proposed plat meets the following findings:

- It is in conformance with the General Plan, Zoning Ordinance and Subdivision Regulations.

PLANNING COMMISSION ACTION:

The Planning Commission reviewed this request at their June 3, 2015 meeting and voted 5-0 to recommend **APPROVAL** of the preliminary plat subject to the following stipulations:

1. The final plat shall conform to the preliminary plat dated stamped May 1, 2015 except as modified by these stipulations.
2. Prior to final plat approval, the street names and addressing shall be approved by the Town Engineer and Town Planner.
3. All street right of way and improvements shall be dedicated as required by the Town Engineer.
4. The final plat shall be revised as determined by the Town Engineer and Town Planner.
5. A conditional use permit shall be reviewed and approved prior to construction of the parking lot.

RECOMMENDATION AND PROPOSED MOTION:

I move that the Town Council accept the findings and **APPROVE** the preliminary plat subject to the five stipulations recommended by the Planning Commission.

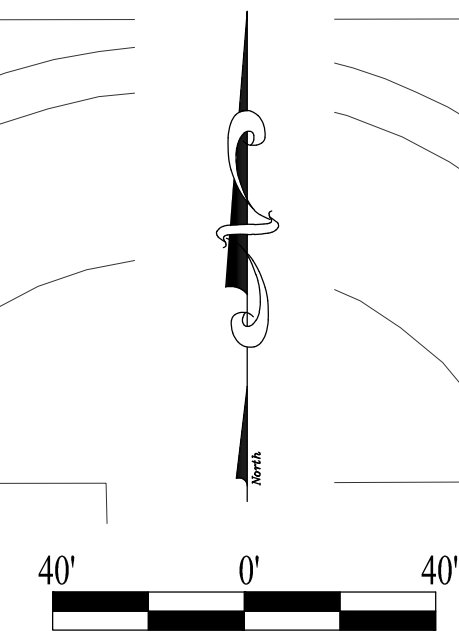
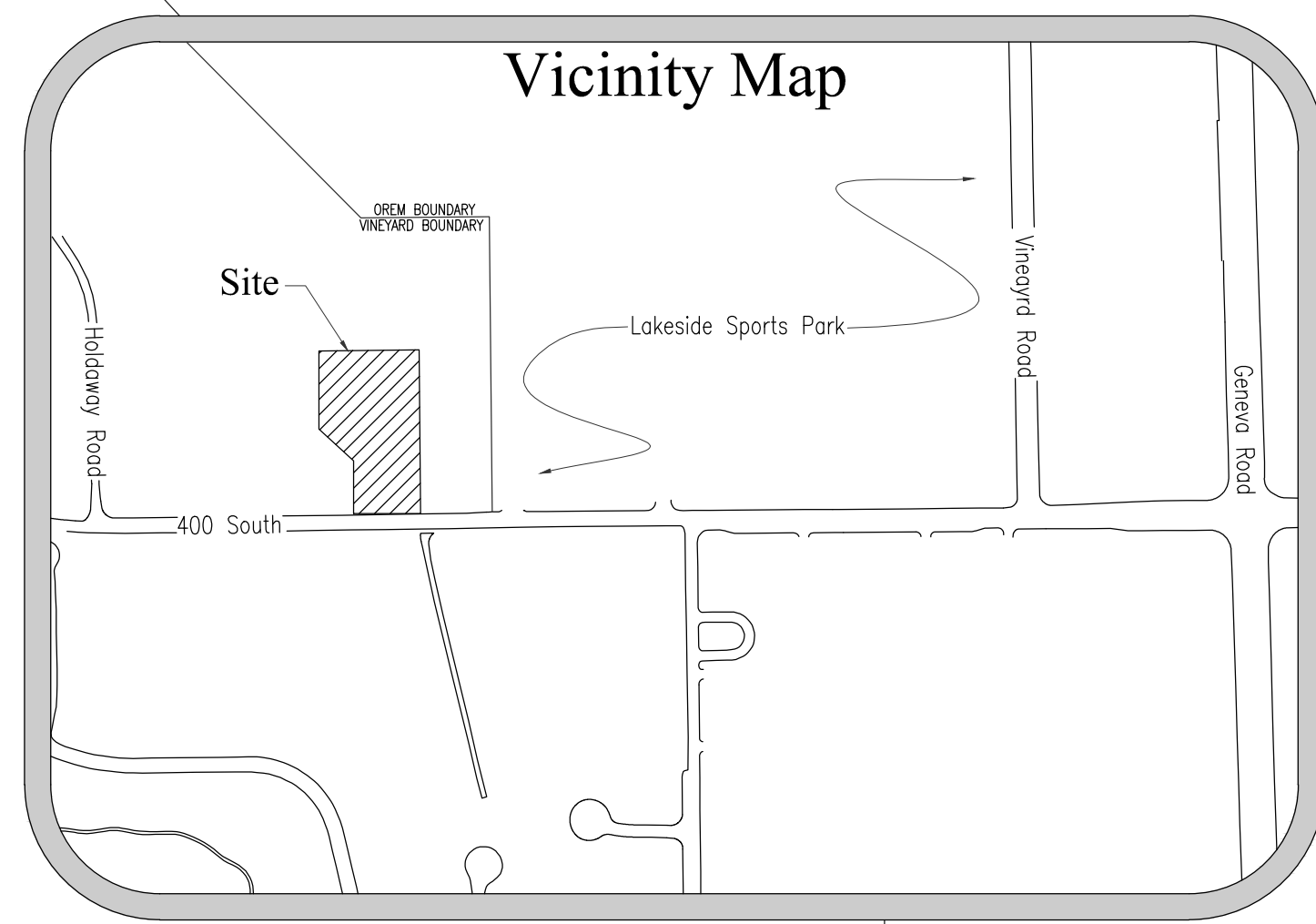
ATTACHMENTS:

Exhibit A – Preliminary Plat

Lake Park Subdivision

(PRELIMINARY SUBDIVISION PLAT)

Plat "F"



SURVEYOR'S CERTIFICATE

I, David Allen Lund, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 190629-2201 AS DESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

Commencing at a point located North 89°34'05" East along the Section Line 573.78 feet and North 20.13 feet from the South Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base and Meridian to the point of beginning, (which point is also the POB of a Boundary Line Agreement known as Entry 845:2015 on Record in the Utah County Recorder's Office);

Thence along said Boundary Line Agreement for the next four calls, N. 0°30'03" W. 9.57 feet to the SW Corner of Lot 1; thence N. 0°30'03" W. 115.55 feet; thence North 47°48'31" West 107.65 feet; thence N. 0°32'03" W. 180.46 feet more or less to a point on the boundary line of Plat "D", Lake Park Subdivision; thence North 89°48'32" East along said boundary line 230.66 feet; thence South 00°46'20" East along said boundary line 378.67 feet; thence West 153.23 feet to the point of beginning.

Containing 74,799 Sq. Ft. or 1.72 Acres.

BASIS OF BEARING = N. 89°34'05" E. along the Section Line from the South 1/4 Corner of Section 17, to the SE Corner of Section 17, T. 6 S. R. 2 E. S.L.B. & M.

DATE _____

SURVEYOR
(See Seal Below)

OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. 20____,

For the City of Orem:

JAMES P. DAVIDSON, CITY MANAGER

ATTEST
DONNA WEAVER, CITY RECORDER

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____, A.D. 20____
PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY
ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION EXPIRES

NOTARY PUBLIC
(See Seal Below)

ACCEPTANCE BY THE TOWN OF VINEYARD

THE TOWN OF VINEYARD OF UTAH COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20_____.

APPROVED
MAYOR: RANDY FARNWORTH

ATTEST
TOWN RECORDER: PAM SPENCER

APPROVED
TOWN ENGINEER: DON OVERSON

DATE _____

APPROVED
TOWN ATTORNEY: DAVID CHURCH

DATE _____

APPROVED
TOWN PLANNER: NATHAN CRANE

DATE _____

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE
TOWN OF VINEYARD PLANNING COMMISSION.

CHAIRMAN, PLANNING COMMISSION: WAYNE HOLDAWAY

DATE _____

PLAT " F "

LAKE PARK SUBDIVISION

PRELIMINARY SUBDIVISION PLAT

THE TOWN OF VINEYARD, UTAH COUNTY, UTAH
SCALE: 1" = 40 FEET

SURVEYOR SEAL

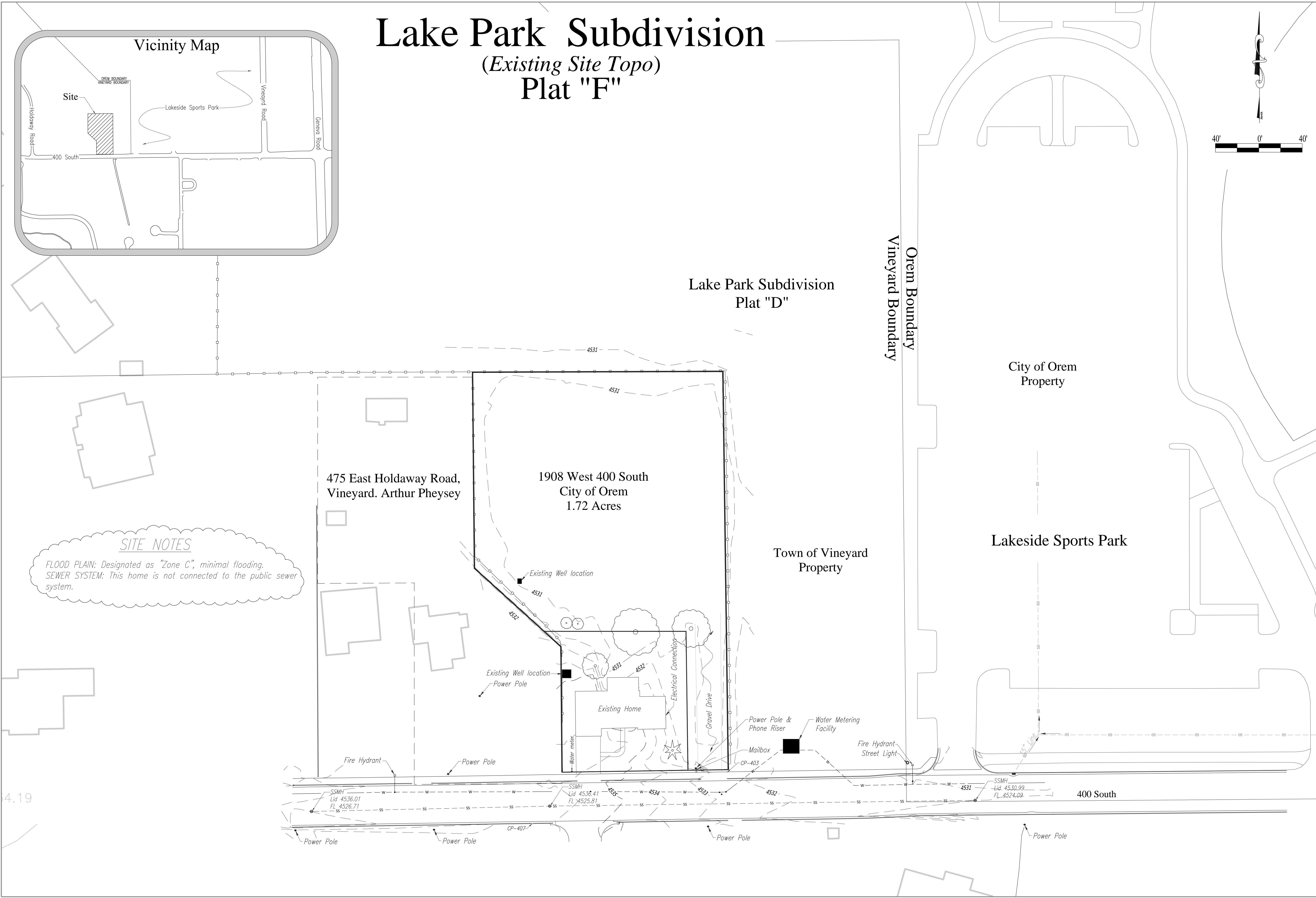
NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

CLERK-RECORDER SEAL

PREPARATION DATE		February, 2015	BY David Lund	
REV	DATE	BY	DESCRIPTION	

X\Plats\Lake Park Plat F\Preliminary Plat.dwg

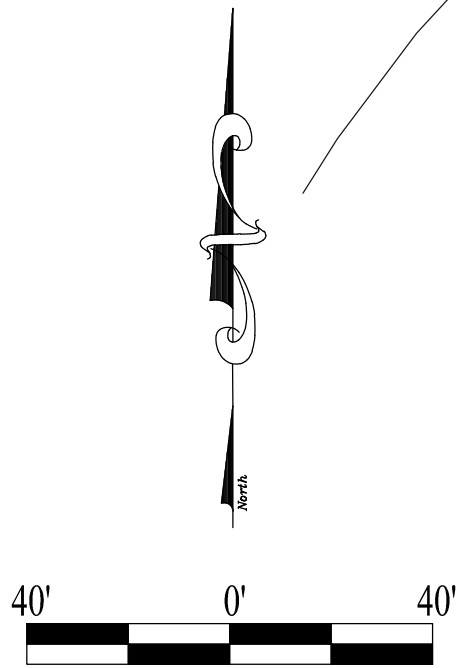


Vicinity Map

Lake Park Subdivision

(Existing Site Topo)

Plat "F"



SITE NOTES

FLOOD PLAIN: Designated as "Zone C", minimal flooding.
SEWER SYSTEM: This home is not connected to the public sewer system.

SHEET	Lake Park Subdivision, Plat "F"										X:\Plats\Lake Park Plat F\Topo.dwg									
	Existing Site Topo																			
CITY OF OREM										APPROVAL RECOMMENDED										
																				
DEVELOPMENT SERVICES																				
ENGINEERING DIVISION																				
56 NORTH STATE ST																				
OREM, UT 84057																				
										DATE										
										APPROVED										
										CITY ENGINEER										
										DATE										
										APPROVED										
										DEVELOPMENT SERVICES DIRECTOR										
										DATE										
										</										



CITY OF OREM
DEVELOPMENT SERVICES
ENGINEERING DIVISION
56 NORTH STATE ST
OREM, UT 84057

Lake Park Subdivision, Plat "F"

Existing Site Topo

X:\Plats\Lake Park Plat F\Topo.dwg



May 19, 2015

Nathan Crane, Vineyard Town Planner
Vineyard Town Hall
240 East Gammon Street
Vineyard, Utah 84058

Dear Nathan,

As you know we are seeking to amend the Waters Edge Zone Plan. This narrative outlines what we'd like to change and the reasoning behind the change and the potential effects to residents of Vineyard. Accompanying this narrative are exhibits illustrating the proposed changes.

Background

We are currently designing the homes that will be built in the Waters Edge development. As we have been looking at the different lot sizes and home designs we noticed that there isn't much difference between the home products that will be built on the SFD 54, SFD 65, SFD 8, SFD 10 lots largely due to the minimum lot widths and side yard setbacks. In an effort to provide diversity in home products we propose the following amendments to the Waters Edge Zone Plan.

AMENDMENT #1 - WIDTH TO DEPTH RATIO

The first change to the zoning plan is to remove the width to depth ratio on development areas SFD 54, SFD 65, SFD 8, SFD 10, SFD 15, and SFD 20 within the plan. Specific references to this ratio can be found in the following locations of the zone plan:

Page 55, regulation 2.32 – remove "1.5 Times the lot width with N/A".

Reasoning

We propose striking out each of these references for the following reasons:

1. Provide variable lot dimensions within planning areas,
2. Create a sense of less dense development with wider lots, and
3. Better accommodate lot layout constrained by fixed borders.

AMENDMENT #2 – SIDE YARD SETBACKS

The second proposed change to the zoning plan is to change the side yard setback in planning areas with 8,000 and 10,000 square foot lots from 18' combined side yard setback with a minimum of 8' to 14' combine side yard setback with a minimum of 6'.

These side yard setbacks are found on page 54 of the Waters Edge Zone Plan.

Reasoning

We propose striking out each of these references for the following reasons:

1. Provide variable product types across 6,500, 8,000, and 10,000 square foot lots,
2. Increase diversity of available products, and
3. Create a less garage dominant front elevation by decreasing the garage to front façade ratio as well as allow the possibility of side load garages.

We do not see any advantages or disadvantages of the proposed amendments to health, welfare, and safety of the current or future residents of Vineyard. The effects that residents of Vineyard may see include but are not limited to the following: 1) a potentially less dense form of development, 2) wider variety of housing products,

The amendments to the plan may be seen as more compatible development style to the Shores and Homestead developments since neither have the depth to width ratio that we are aware of, and the lots in both existing developments tend to be wider or as wide.

The community benefits include but should not be limited to an increased variety of housing products, a variety of lot widths and depths, decreased architectural dominance of the garage, and increase architectural richness.

If you have any questions or need further clarification please don't hesitate to let us know.

Best,



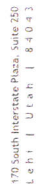
Bronson Tatton

Professional Landscape Architect/Planner



Flagship Homes

170 South Interstate Plaza, Ste. 250 | Lehi, UT 84043
o | 801.766.4442 f | 801.766.3337 c | 435.218.5656
www.forsail.com



preliminary plans
not for construction

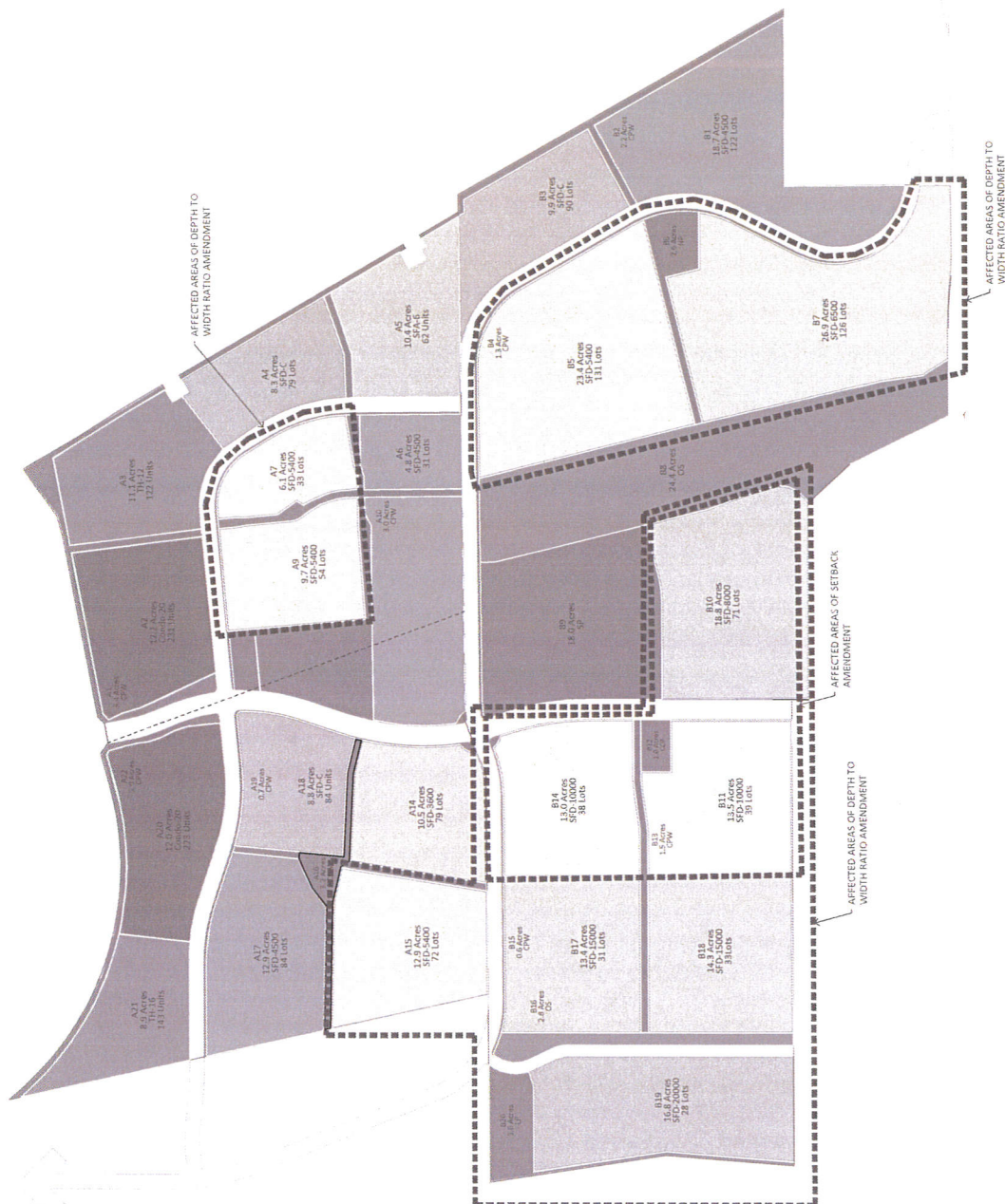
call 811 or visit www.bluestakes.org
before you dig to have all utilities
located and marked

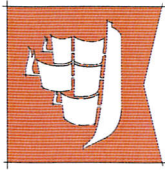
WATERS EDGE MASTER PLAN ZONING PLAN AMENDMENT

Vineyard, Utah

MAY 2015

EXHIBIT





Flagship
Homes

170 South Interstate Plaza, Suite 250
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preliminary plans
not for construction

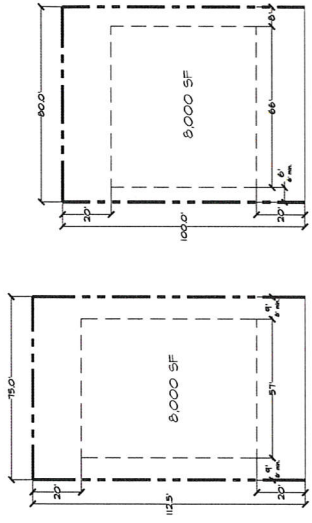
call 811 or visit www.bluestakes.org
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WATERS EDGE MASTER PLAN ZONING PLAN AMENDMENT Vineyard, Utah

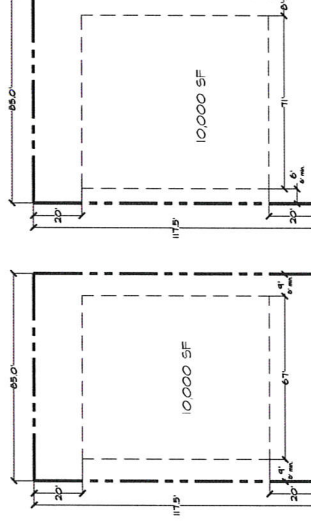
MAY 2015

EXHIBIT

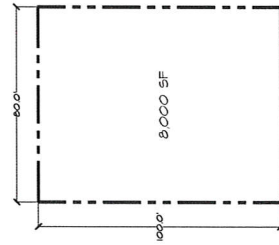
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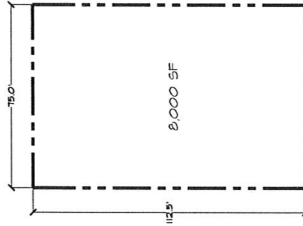
CURRENT ZONING REGULATION
DEPTH TO WIDTH RATIO = 1.5 : 1
and SIDE YARD SETBACK



CURRENT ZONING REGULATION
DEPTH TO WIDTH RATIO = 1.5 : 1
and SIDE SETBACK



PROPOSED CHANGE
DEPTH TO WIDTH RATIO = N/A



CURRENT ZONING REGULATION
DEPTH TO WIDTH RATIO = 1.5 : 1





COMMUNITY DEVELOPMENT

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment – Amending the minimum lot depth and the setbacks for the WatersEdge Development

MEETING DATE: June 10, 2015

TO: Planning Commission

FROM: Nathan Crane, Town Planner

REQUEST: A request to amend the lot depth and setbacks for the WatersEdge Development.

APPLICANT: Pete Evans, Flagship Homes

BACKGROUND:

The Vineyard Town Zoning Ordinance was adopted in September of 2005 and became effective on January 1, 2006.

The WatersEdge Zoning District was adopted in June 2015.

SUMMARY OF REQUEST:

1. The proposed amendment is as follows:

2.26-2.29 Side Yard Regulations

	SFD 8	SF D10
Minimum Side Yard	8 6	8 6
Total Width of the Side Yards	18 14	18 14

And;

2.32 Lot Depth

	SFD 8	SFD 10	SFD 12	SFD 20
Existing	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width
Proposed	100'	100'	100'	100'

CITIZEN PARTICIPATION:

A notice of the Planning Commission hearing was published in the Daily Herald on May 24, 2015. No comments have been received.

A notice of the Town Council hearing was also published in the Daily Herald on May 24, 2015. No comments have been received.

ANALYSIS:

- The proposed amendment will allow elevations with more emphasis on living areas rather than the garage.
- The amendment will diversify the housing product in the WatersEdge Development.

FINDINGS:

Staff believes the proposed text amendment could meet the following finding:

- The proposed text amendment is consistent with the purpose of the General Plan, Subdivision Ordinance and will not adversely affect the community.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on June 3, 2015 and voted 5-0 to recommend approval of the amendment as follows:

2.26-2.29 Side Yard Regulations

	SFD 8	SF D10
Minimum Side Yard	8 6	8
Total Width of the Side Yards	18 14	18

And;

2.32 Lot Depth

	SFD 8	SFD 10	SFD 12	SFD 20
Existing	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width
Proposed	100'	100'	100'	100'

RECOMMENDATION:

The Town Council should hold a public hearing and approve the request as recommended by the Planning Commission.

ATTACHMENTS:

Proposed Ordinance
Applicants Narrative

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF VINEYARD, UTAH, AMENDING THE TOWN OF VINEYARD ZONING ORDINANCE, AMENDING SECTION 760 WATSEdge ZONING DISTRICT RELATING TO LOT DEPTH AND SETBACK REQUIREMENTS.

WHEREAS, all due and proper notices of public hearings on this Ordinance held before the Town of Vineyard Planning Commission (the "Commission") and the Council of the Town of Vineyard (the "City Council") were given in the time, form, substance and manner provided by Utah Code; and

WHEREAS, the Commission held public hearings on this Ordinance on June 3, 2015; and

WHEREAS, the Commission recommended to the Town Council that this Ordinance be approved; and

WHEREAS, the Town Council held a public hearing on this Ordinance on June 10, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VINEYARD as follows:

SECTION 1. That the Town of Vineyard Zoning Ordinance, that Section 760 WatersEdge Zoning District is hereby amended as follows:

2.26-2.29 Side Yard Regulations

	SFD 8	SF D10
Minimum Side Yard	8 6	8
Total Width of the Side Yards	18 14	18

And;

2.32 Lot Depth

	SFD 54	SFD 65	SFD 8	SFD 10	SFD 12	SFD 20
Existing	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width	1.5 X Lot Width
Proposed	100'	100'	100'	100'	100'	100'

SECTION 2. That the Mayor, the City Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and

independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the Town of Vineyard, June 10, 2015.

Randy Farnworth, Mayor

ATTEST:

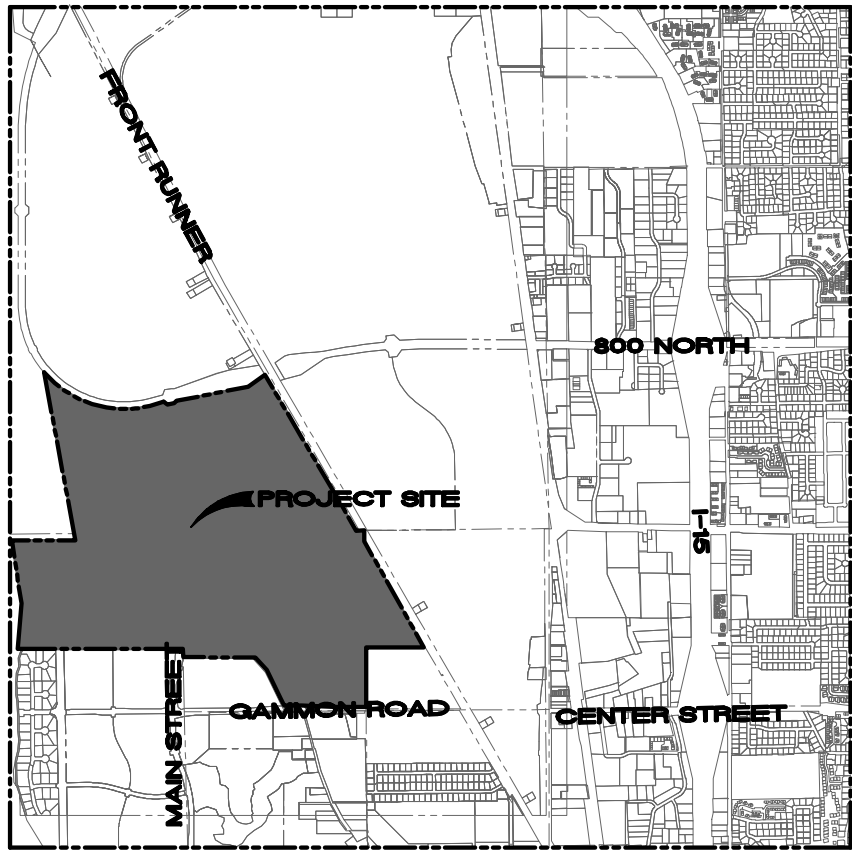
Pam Spencer, Town Clerk

WATERS EDGE AT VINEYARD MASTER CONSTRUCTION

- PHASE 14 (VINEYARD LOOP RD SURCHARGE)
CRESCENT EXCAVATION
- PHASE 13 (VINEYARD ROAD)
STERLING DON EXCAVATION
- PHASE 10 (MAIN STREET)
SKIP DUNN EXCAVATING
- 10" SEWER FROM LIFT STATION
TBD
- 10"/8" SEWER FOR FUTURE
TBD
- TEMPORARY ROAD
STERLING DON EXCAVATION



0 250 500 750
(24"x36")
SCALE: 1" = 250'
(11"x17")
SCALE: 1" = 500'



VICINITY MAP
NTS

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			

DESIGNED BY:	TGT
DRAWN BY:	TJT
CHECK BY:	TGT
DATE:	02/27/15
CDGD FILE:	

J:\GIFORD\WINEYARD NORTH\dwg\CONSTRUCTION MASTER.dwg

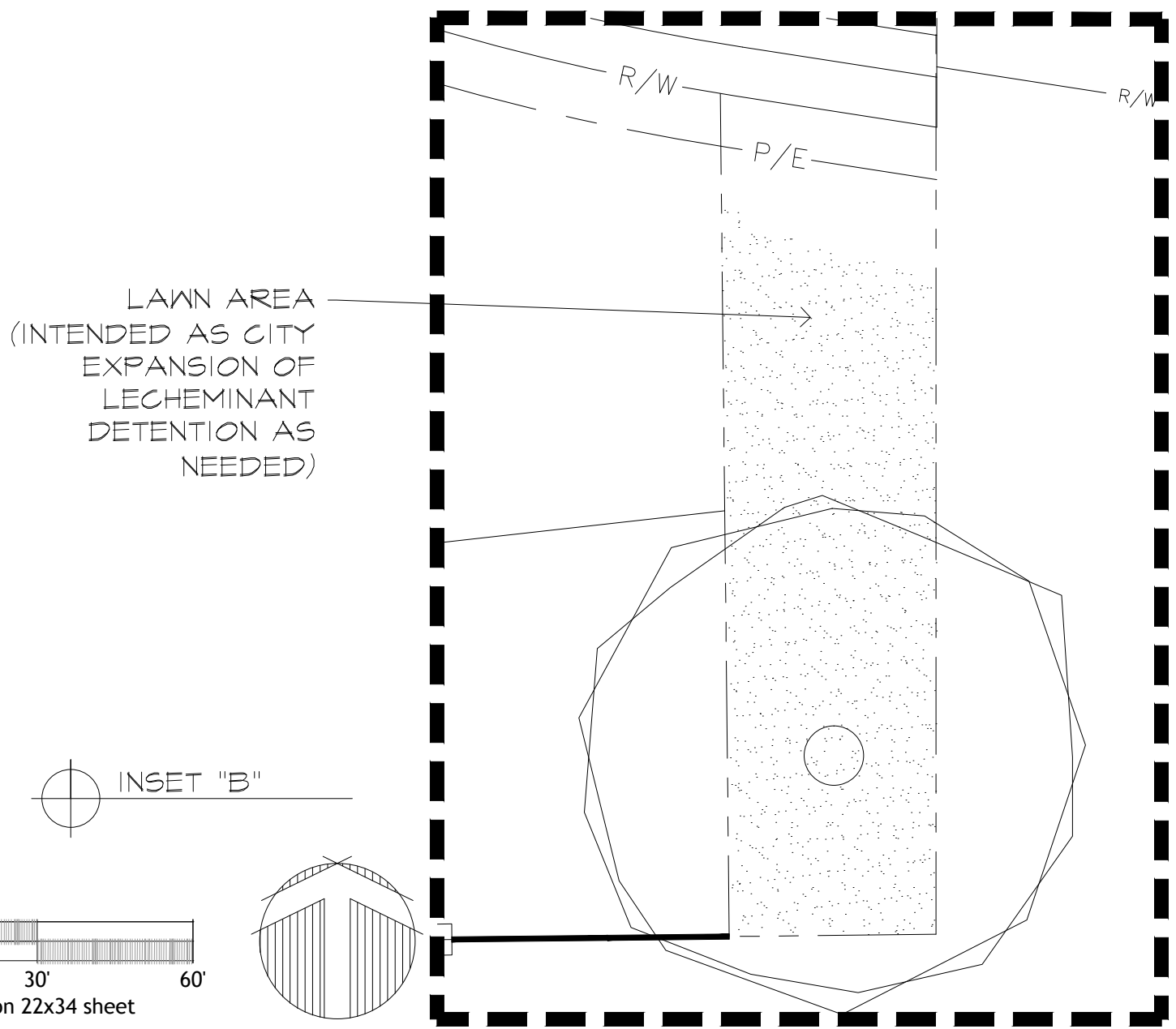
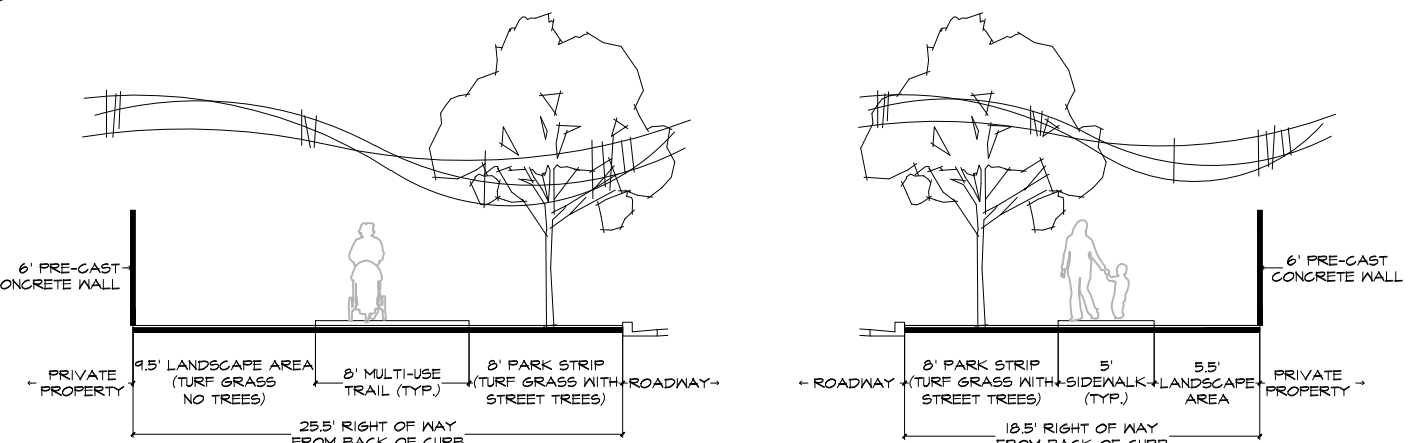
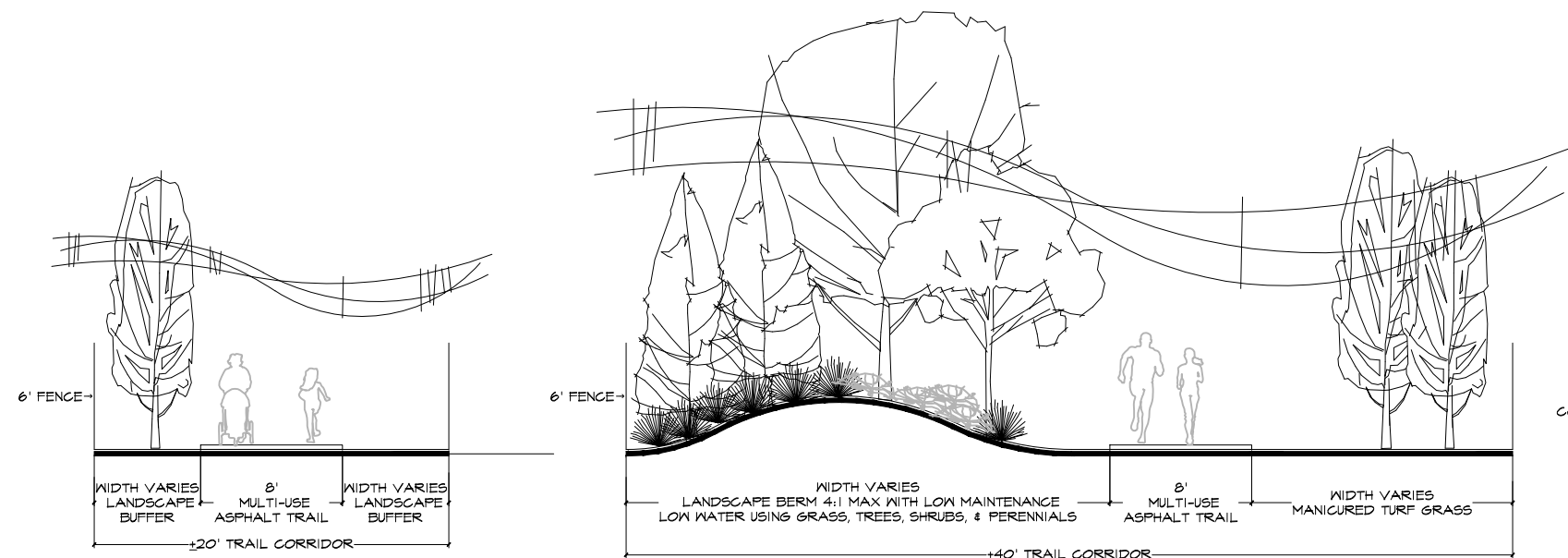
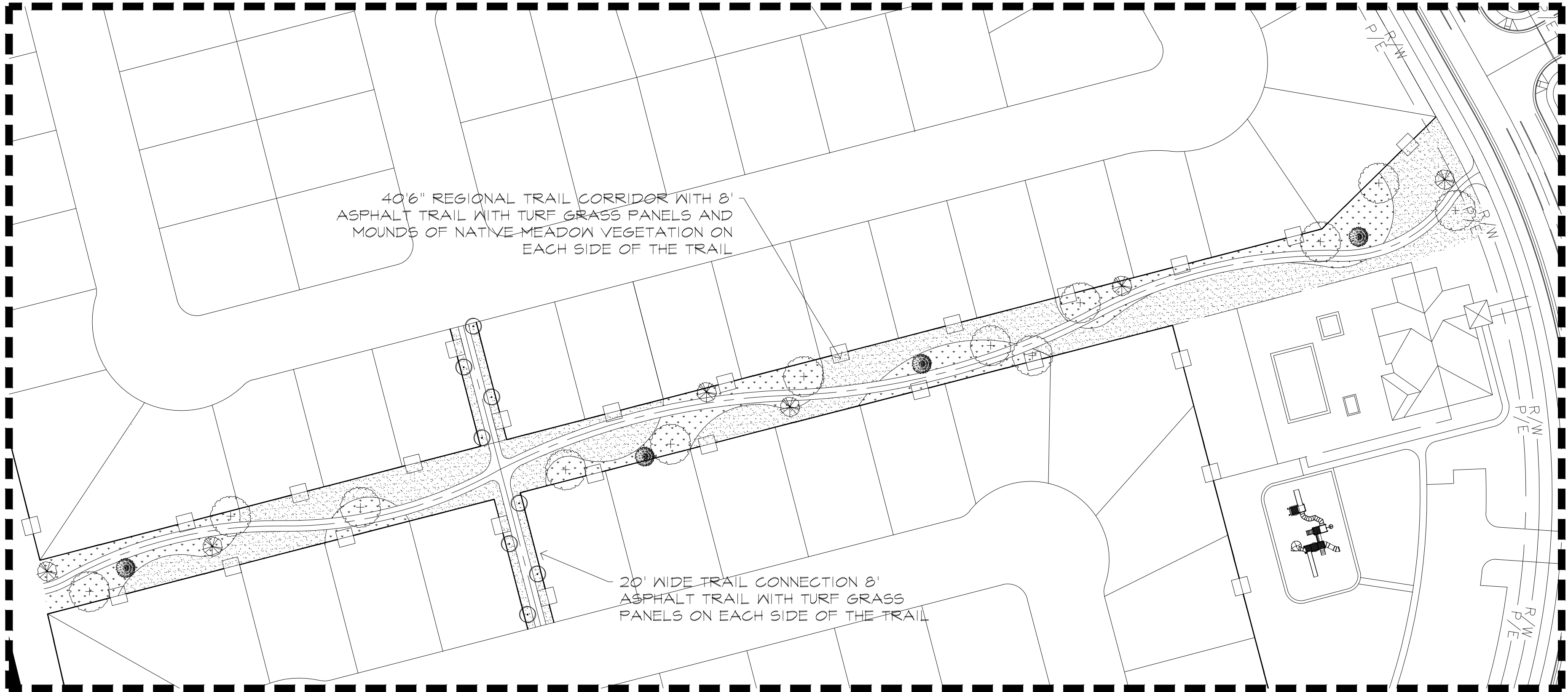
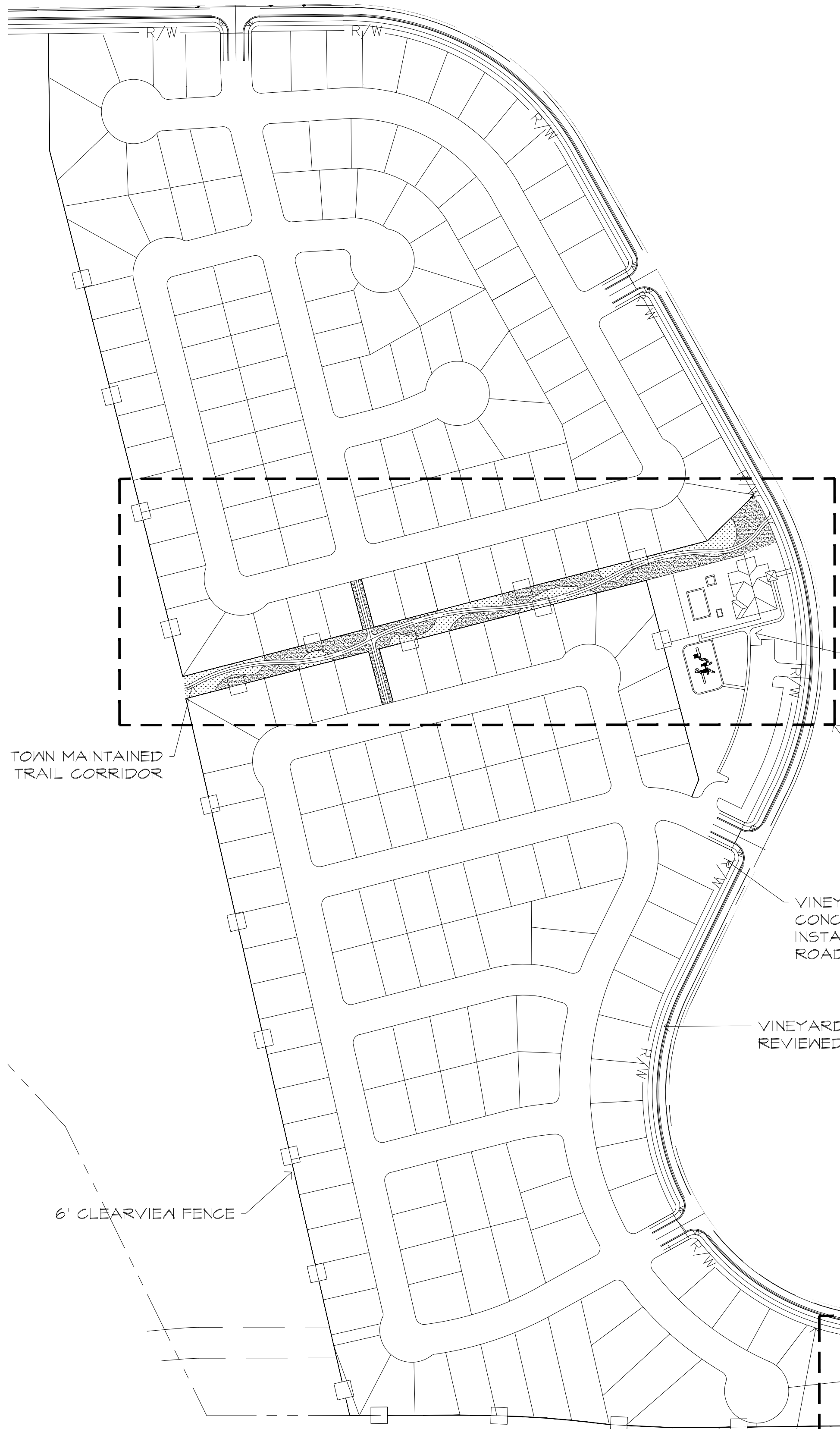
TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

VINEYARD, UTAH

WATER'S EDGE

CONSTRUCTION MASTER PLAN

JOB
GIFORD
SHEET NO.
1



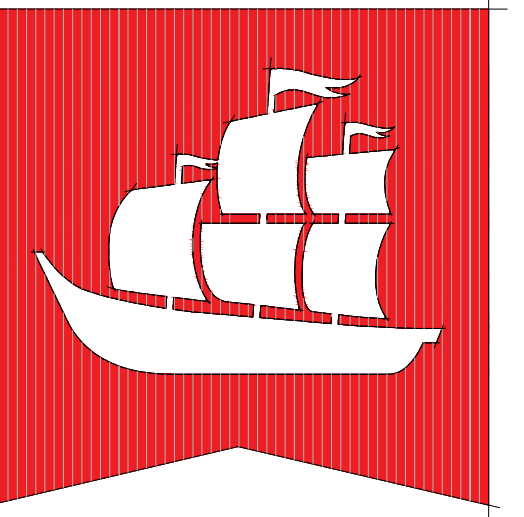
PLANT SCHEDULE PHASE 1				
TREES	BOTANICAL NAME / COMMON NAME	CONT	QTY	
	Existing Tree Unidentified Variety / Estimated size	Existing	1	
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	Native Seed Mix / Bio Native from Biogress Seed at recommended application rate.	seed		13,734 sf
	Turf Sod Bluegrass / Kentucky Bluegrass	sod		32,841 sf
MISCELLANEOUS	DESCRIPTION			
	GAMMON STREET 6' OLYMPUS PRE-CAST CONCRETE WALL - SIERRA DRYSTACK PATTERN MALL AND COLUMNS - MATCH STAIN ON LECHAMINANT WALL			
	VINEYARD ROAD & MAIN STREET 6' OLYMPUS PRE-CAST CONCRETE WALL - INSTALLED WITH VINEYARD RD. & MAIN ST. LANDSCAPES			
	6' CLEARVIEW FENCE			

CONCEPT PLANT SCHEDULE PHASE 1

	30' SHADE TREE	12
	15' COLUMNAR TREE	8
	20' FLOWERING TREE	6
	15' EVERGREEN TREE	4

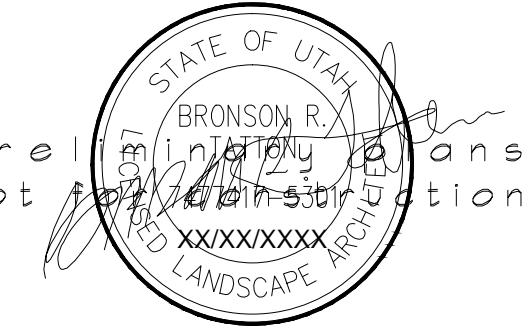
LANDSCAPE NOTES:

*INTERIOR STREETS LANDSCAPED WITH TREES AND TURF GRASS BY HOMEOWNERS AND MAINTAINED BY HOMEOWNERS.



flagship
homes

170 South Interstate Plaza, Suite 250
Lehi | Utah | 84043



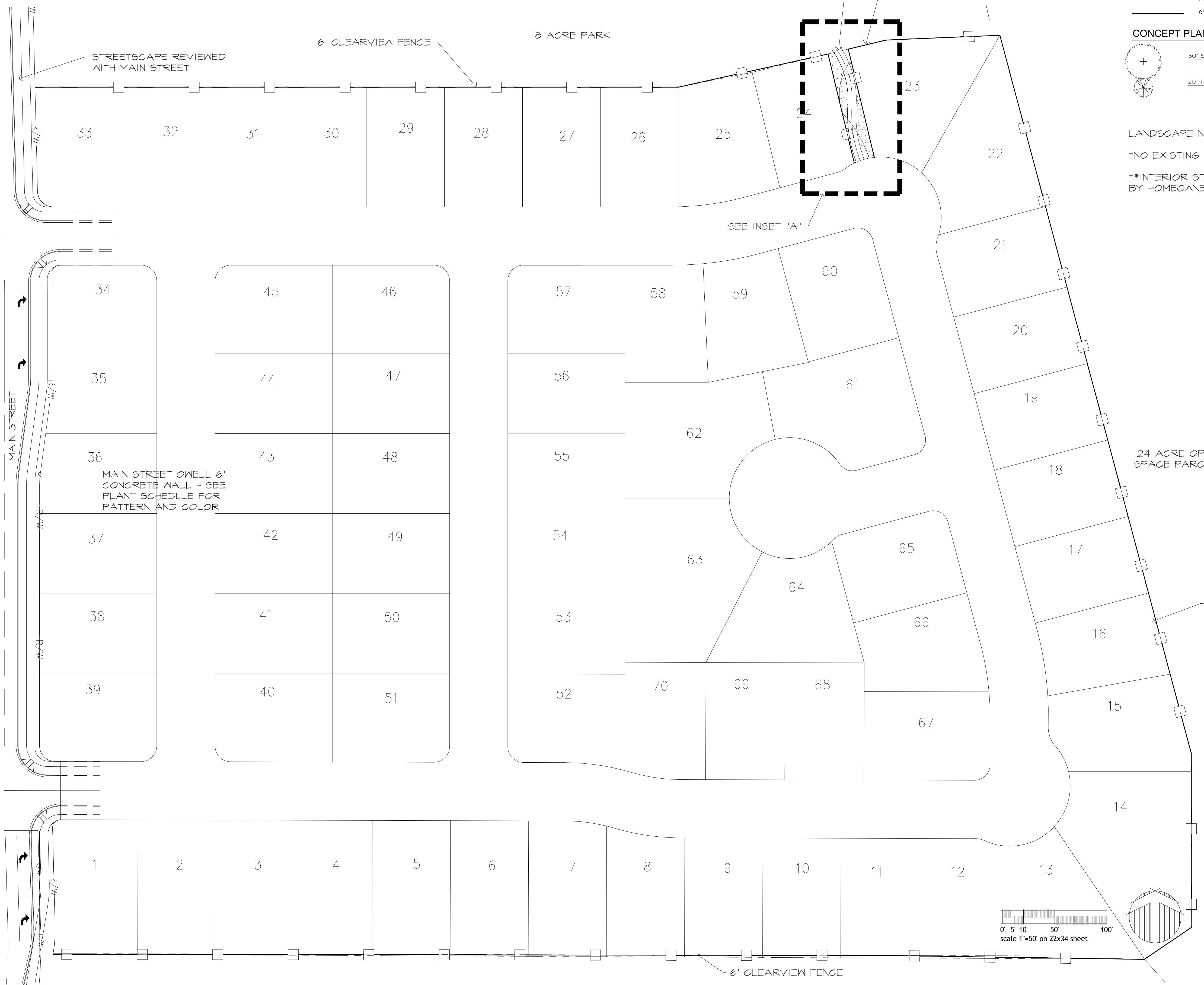
call 811 or visit www.bluestakes.org
before you dig to have all utilities
located and marked

WATERS EDGE - PLAT 1
Vineyard, Utah

MAY 2015

landscape
concept plan

L-101



PLANT SCHEDULE PHASE 2				
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT.	SPACING	QTY.
	Native Seed Mix / Bio Native from Biograce Seed at recommended application rate.	seed		511 sf
	Turf Sod Bluegrass / Kentucky Bluegrass	sod		756 sf
MISCELLANEOUS	DESCRIPTION			
	VINEYARD ROAD & MAIN STREET 6' OLYMPUS PRE-CAST CONCRETE WALL - INSTALLED WITH VINEYARD RD. & MAIN ST. LANDSCAPES			
	6' CLEARVIEW FENCE			

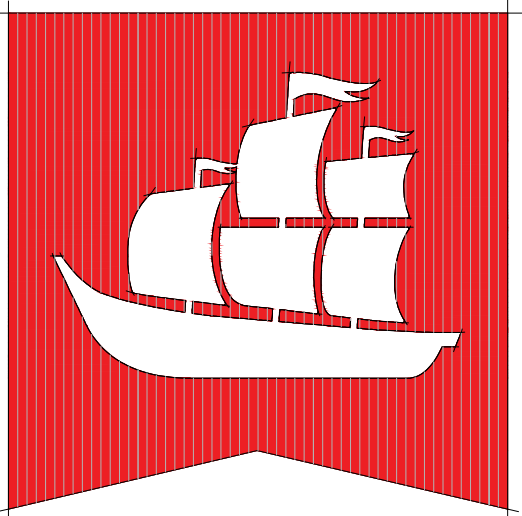
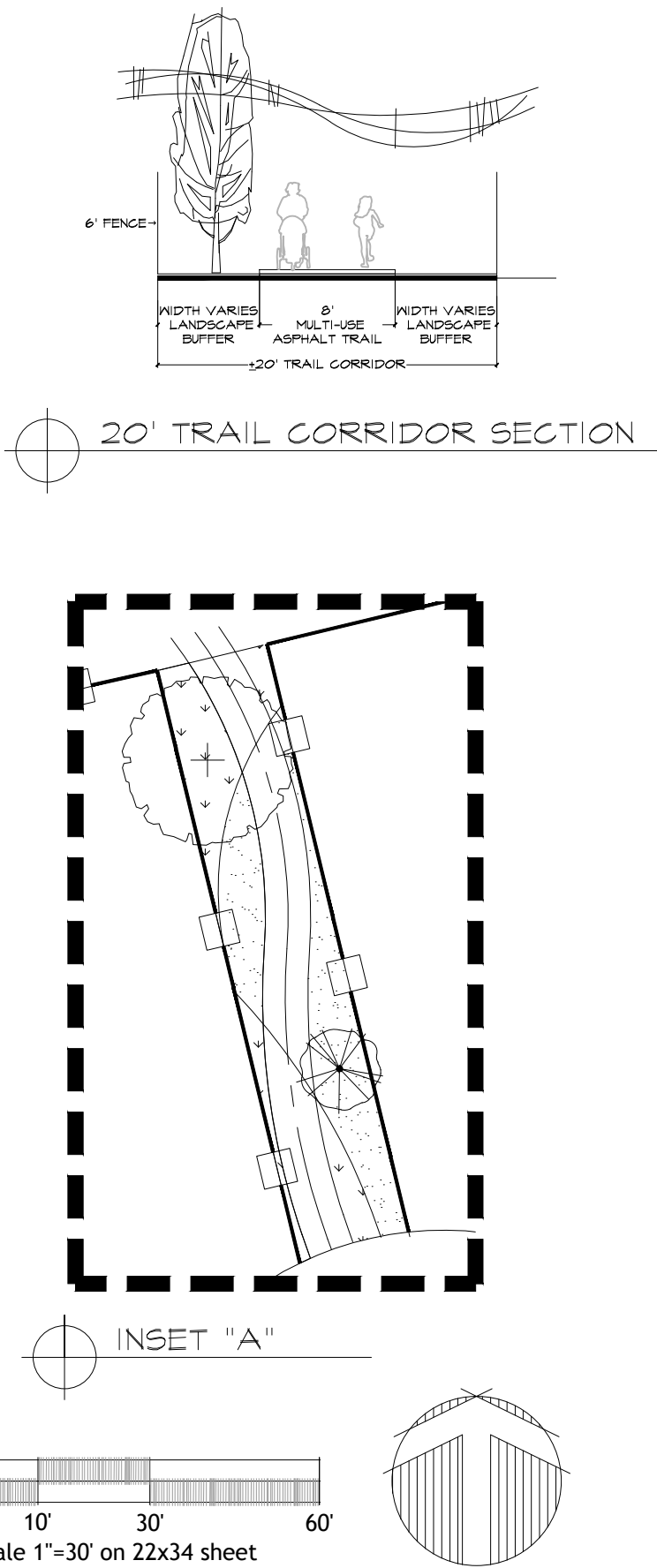
CONCEPT PLANT SCHEDULE PHASE 2

	30" SHADE TREE	1
	20" FLOWERING TREE	1

LANDSCAPE NOTES:

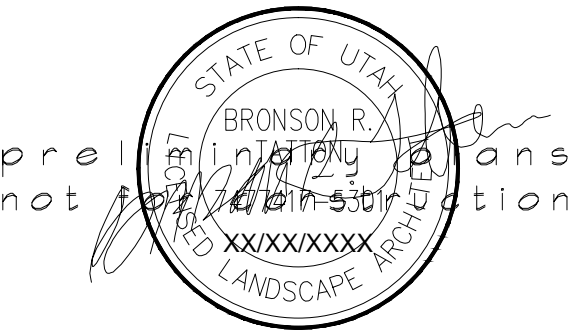
*NO EXISTING TREES OR VEGETATION ABOVE 36".

**INTERIOR STREETS LANDSCAPED WITH TREES AND TURF GRASS BY HOMEOWNERS AND MAINTAINED BY HOMEOWNERS.



flagship
homes

170 South Interstate Plaza, Suite 250
Lehi | Utah | 84043



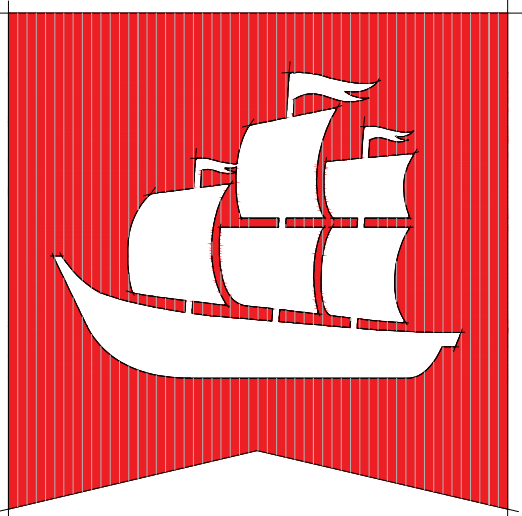
call 811 or visit www.bluestakes.org
before you dig to have all utilities
located and marked

WATERS EDGE - PLAT 2
Vineyard, Utah

M A Y 2015

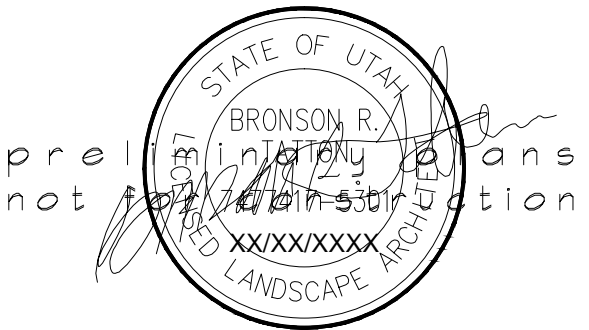
landscape
concept plan

L-101



flagship
homes

170 South Interstate Plaza, Suite 250
Lehi | Utah | 84043



call 811 or visit www.bluestakes.org
before you dig to have all utilities
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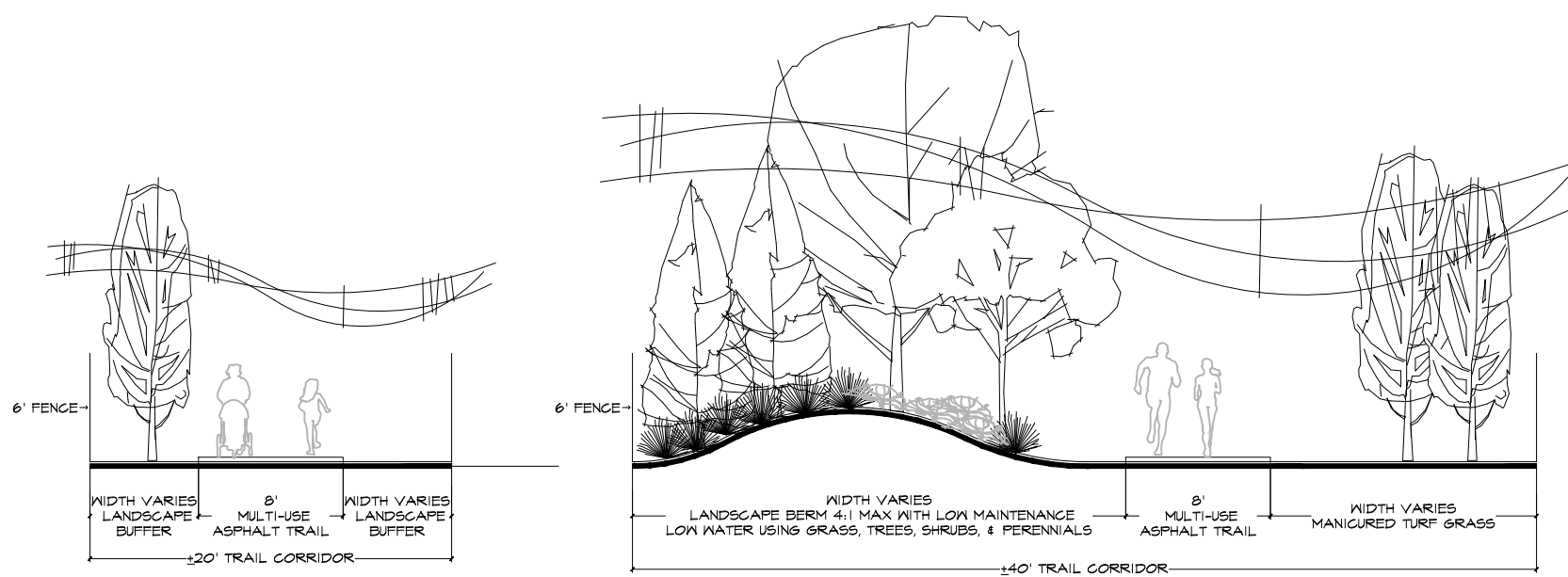
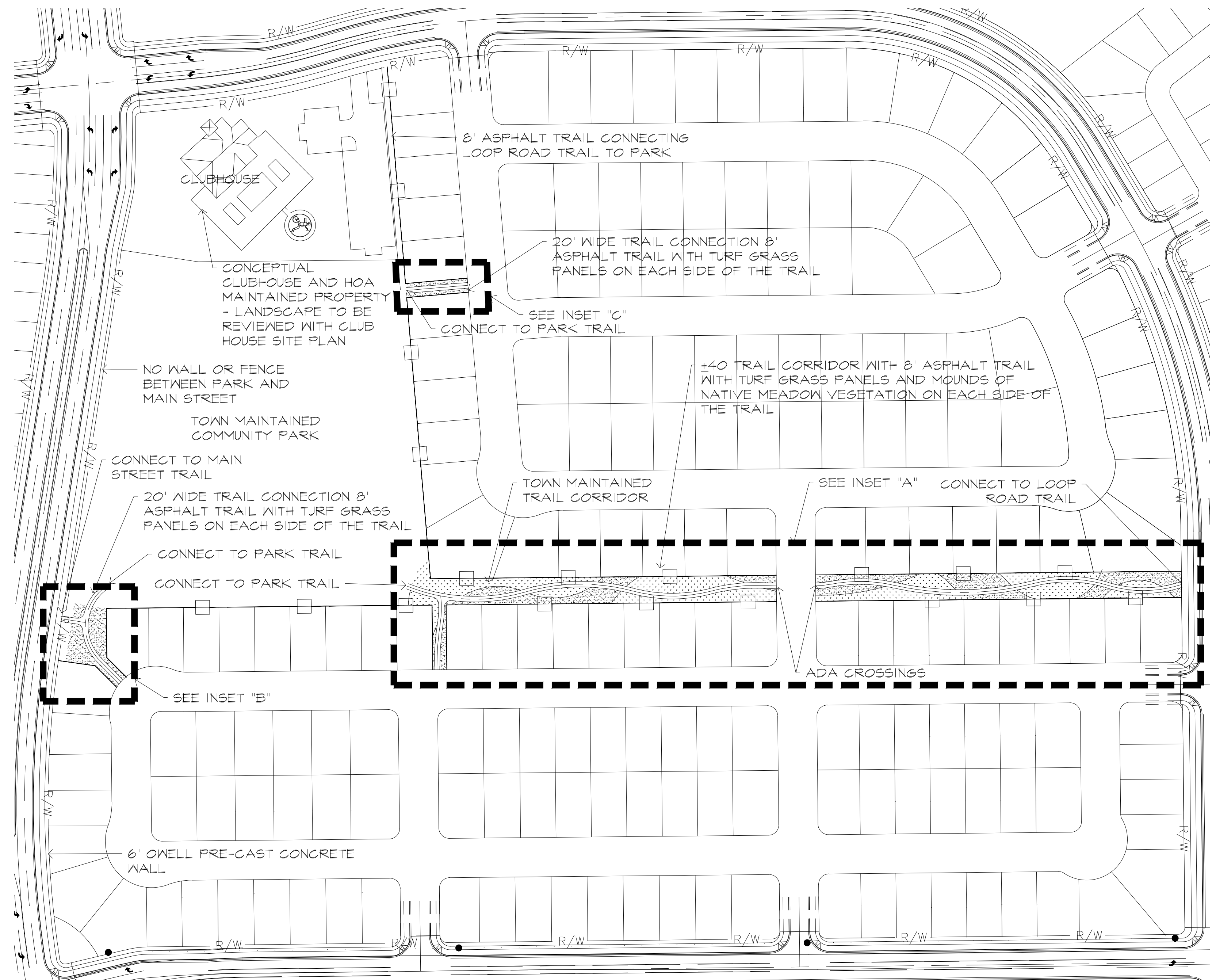
WATERS EDGE - PLAT 5

Vineyard, Utah

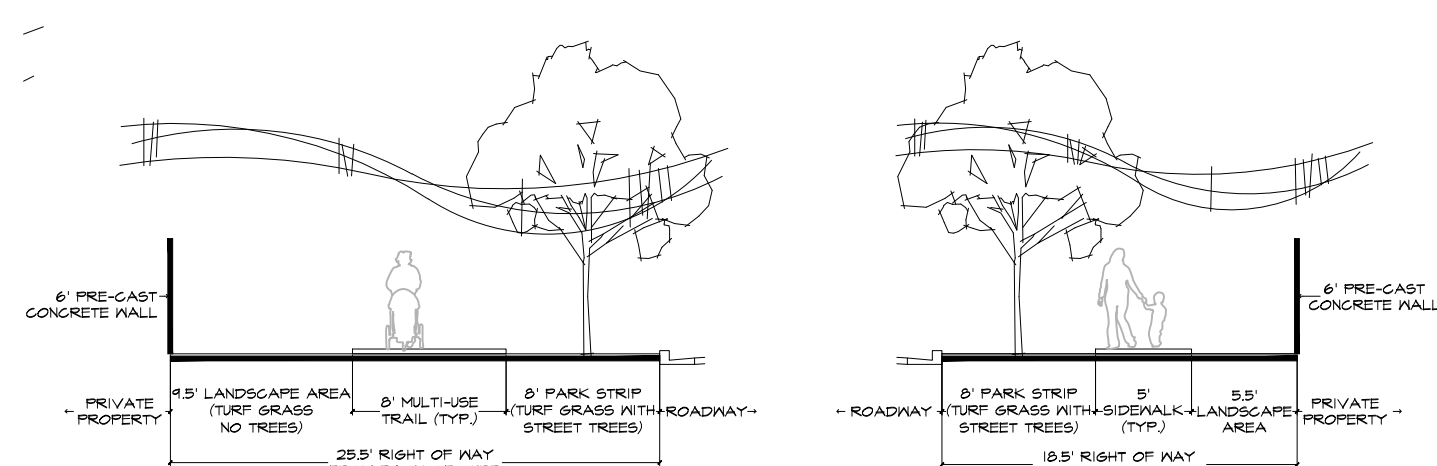
MAY 2015

landscape
concept plan

L-101



TRAIL CORRIDOR CONCEPT | TYPICAL SECTIONS



STREETSCAPE APPROVED CONCEPT | TYPICAL SECTIONS

TRAIL SECTIONS

PLANT SCHEDULE PHASE 5

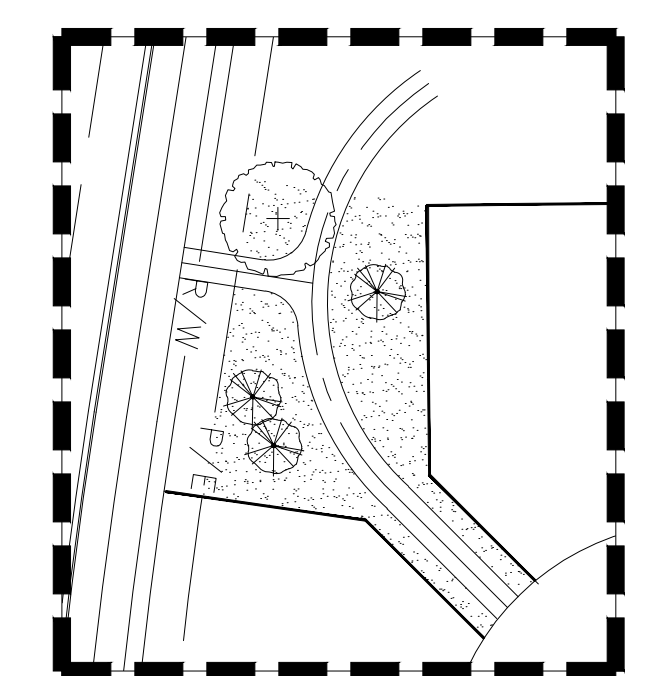
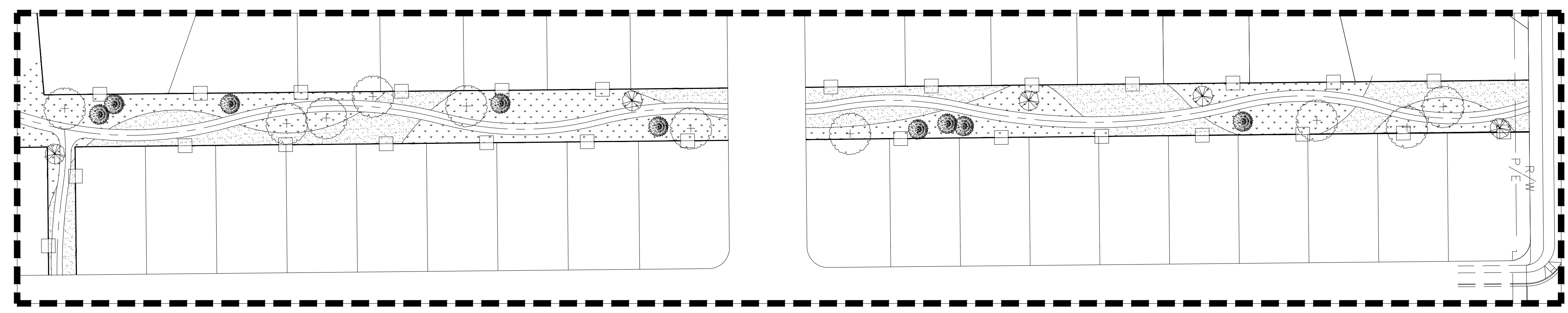
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	Native Seed Mix / Bio Native from Biograss Seed at recommended application rate.	seed		19,686 sf
	Turf Sod Bluegrass / Kentucky Bluegrass	sod		17,456 sf
MISCELLANEOUS	DESCRIPTION			
	VINEYARD ROAD & MAIN STREET 6" OLYMPUS PRE-CAST CONCRETE WALL - INSTALLED WITH VINEYARD RD. & MAIN ST. LANDSCAPES			
	6" CLEARVIEW FENCE			

CONCEPT PLANT SCHEDULE PHASE 5

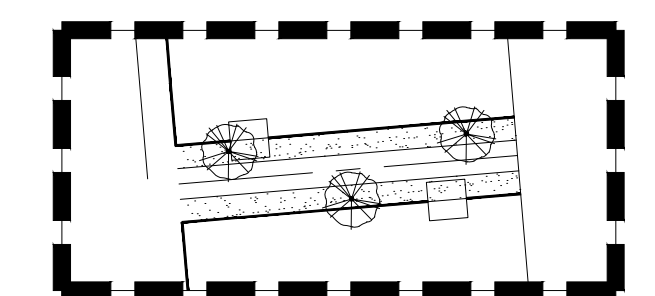
	30' SHADE TREE	11
	20' FLOWERING TREE	12
	15' EVERGREEN TREE	9

LANDSCAPE NOTES:

*INTERIOR STREETS
LANDSCAPED WITH TREES AND
TURF GRASS BY HOMEOWNERS
AND MAINTAINED BY
HOMEOWNERS.

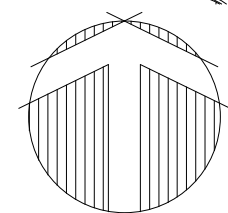
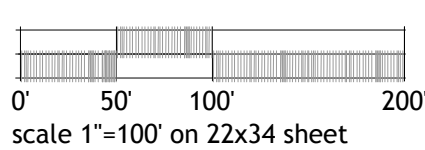
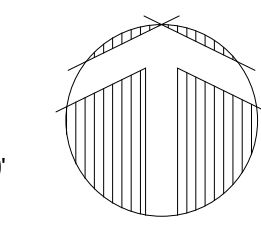
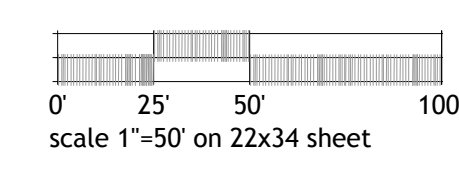


INSET "B"

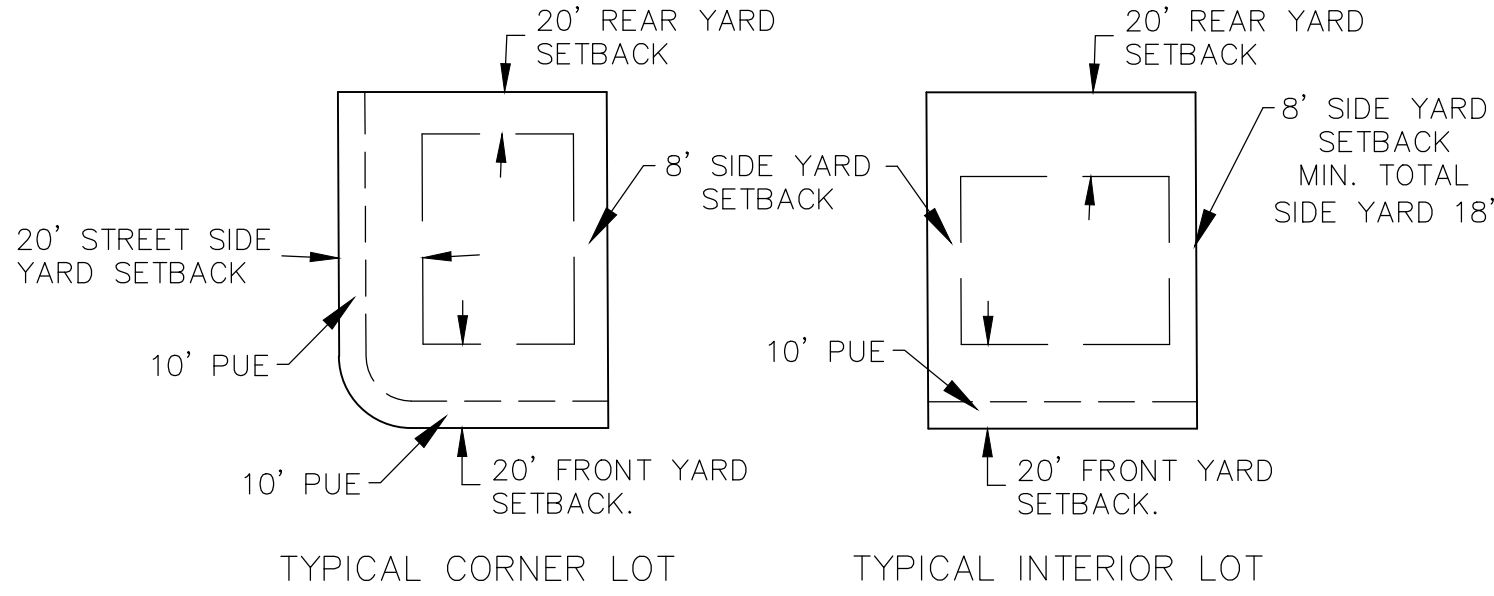


INSET "C"

INSET "A"



WATERS EDGE
PHASE 2
PRELIMINARY PLAT
VINEYARD, UTAH

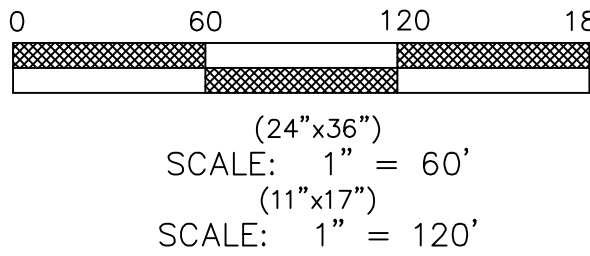


<u>LAND USE</u>	
TOTAL ACREAGE:	20.05 acres
OPEN SPACE	0.05 acres (0.25%)
TOTAL LOTS:	70
NO. LOTS / ACRE:	3.48
AVERAGE LOT SIZE:	9,604 SQ. FT.
ZONING:	SFD-8000

DEVELOPER
FLAGSHIP HOMES
170 SOUTH INTERSTATE PLAZA
SUITE 250
LEHI, UT 84043



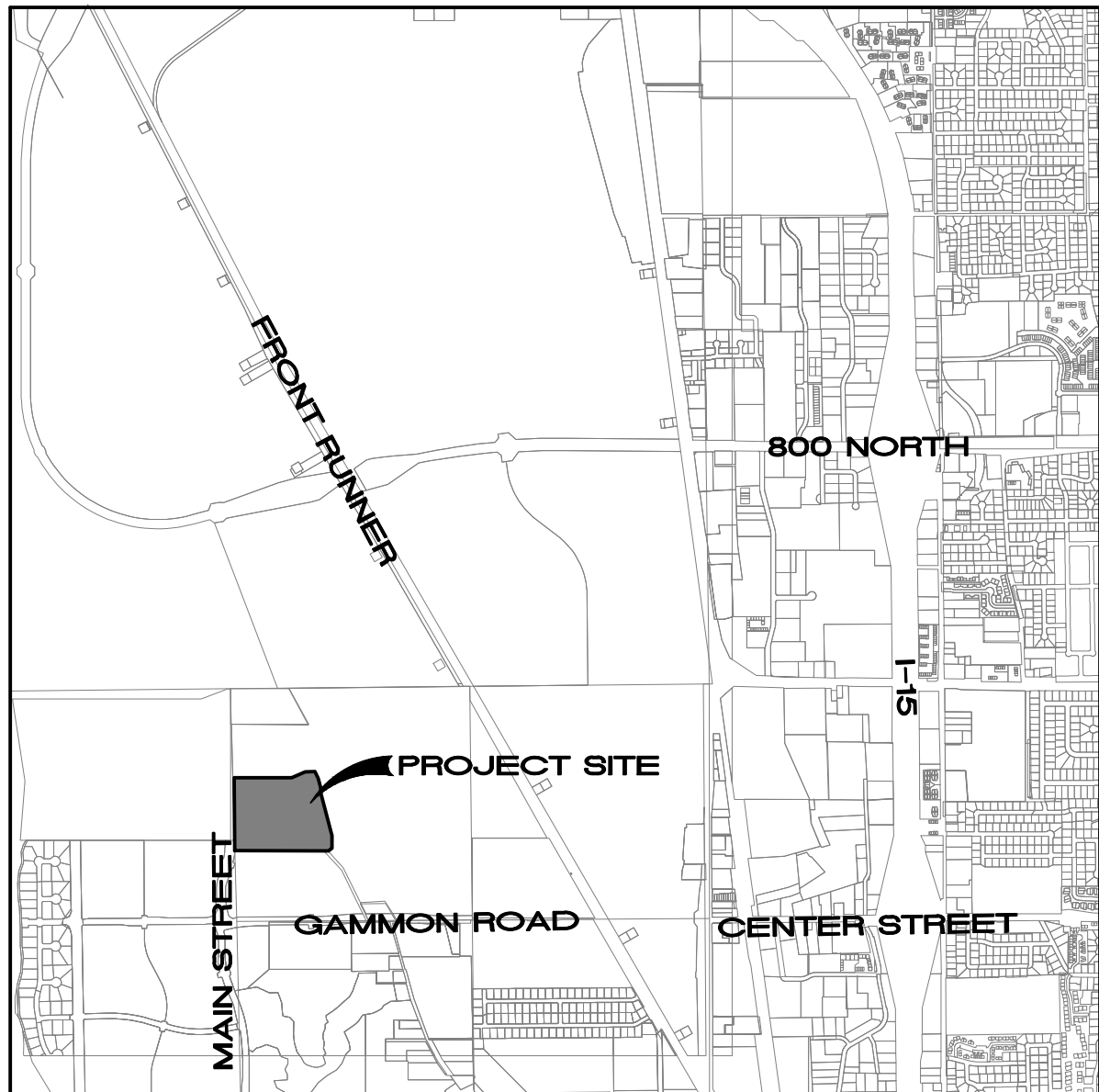
OPEN SPACE



THE WATERS EDGE PHASE 2

Beginning at a point which is North 89°25'01" East 957.44 feet along the section line and South 938.90 feet from the Northwest Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base and Meridian thence South 14°55'08" East 713.68 feet; thence South 167.20 feet; thence South 55°55'33" West 48.85 feet; thence South 87°02'57" West 50.92 feet to a rebar and cap (Gilson) and the northeast corner of THE GARDEN PHASE 6; thence North 89°44'31" West 1001.55 feet along the North lines of THE GARDEN PHASE 4, 5 and 6 to a point of non-tangent curvature; thence northerly 26.20 feet along the arc of a 120.50 foot radius curve to the left, through a central angle of 12°27'26", the chord of which bears North 0°40'59" East 26.15 feet; thence North 01°32'44" West 95.32 feet to a point of curvature; thence northeasterly 12.00 feet along the arc of a 7.50 foot radius curve to the right, through a central angle of 91°40'44", the chord of which bears North 44°17'38" East 10.76 feet; thence South 89°52'00" East 0.22 feet; thence North 00°08'00" East 56.00 feet; thence North 89°52'00" West 5.35 feet to a point of curvature; thence northwesterly 23.53 feet along the arc of a 15.00 foot radius curve to the right, through a central angle of 89°52'00", the chord of which bears North 44°56'00" West 21.19 feet; thence North 250.36 feet to a point of curvature; thence northerly 10.54 feet along the arc of a 79.50 foot radius curve to the right, through a central angle of 07°35'41", the chord of which bears North 03°47'50" East 10.53 feet; thence North 07°35'41" East 77.52 feet to a point of curvature; thence northerly 15.97 feet along the arc of a 120.50 foot radius curve to the left, through a central angle of 07°35'41", the chord of which bears North 03°47'50" East 15.96 feet; thence North 00°04'28" West 100.23 feet; thence northeasterly 11.96 feet along the arc of a 7.50 foot radius curve to the right, through a central angle of 91°20'01", the chord of which bears North 44°55'46" East 10.73 feet; thence North 00°00'03" West 56.00 feet; thence South 89°59'57" West 6.38 feet to a point of curvature; thence northwesterly 23.20 feet along the arc of a 15.00 foot radius curve to the right, through a central angle of 88°36'45", the chord of which bears North 45°14'40" West 20.95 feet; thence North 01°23'18" West 105.25 feet; thence North 89°59'57" East 650.80 feet; thence North 76°22'17" East 17.19 feet; thence North 87°36'02" East 109.41 feet to the point of beginning.

20.09 acres more or less



VICINITY MAP

REVISIONS				
NO.	DATE	DESCRIPTION	BY	DESIGNED BY: TGT
1				DRAWN BY: TGT
2				CHECK BY: TGT
3				DATE: 3/25/2015
4				CDGD FILE:

TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

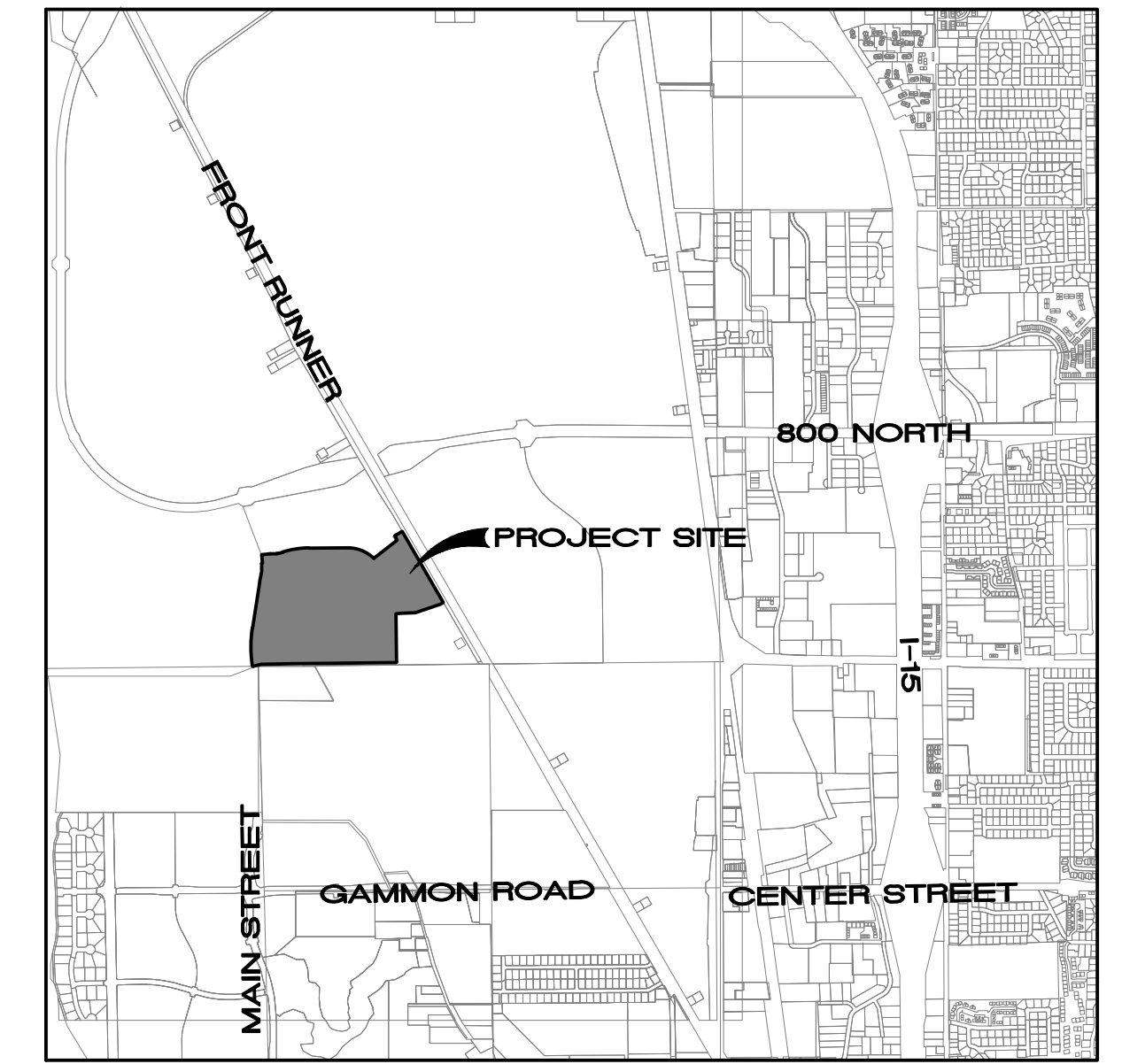
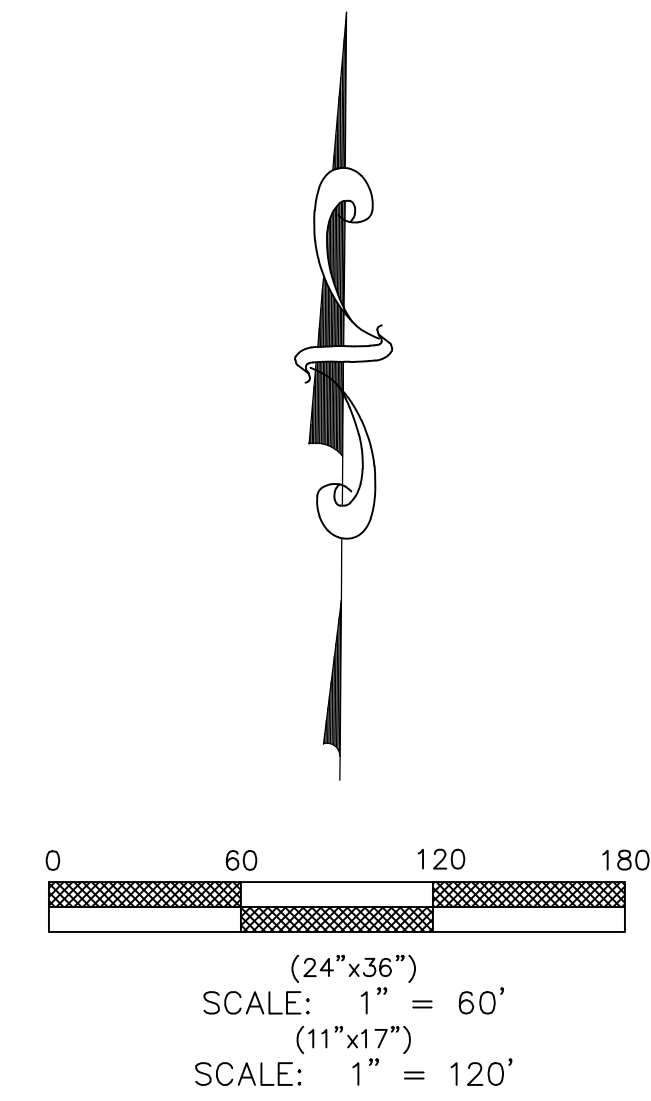
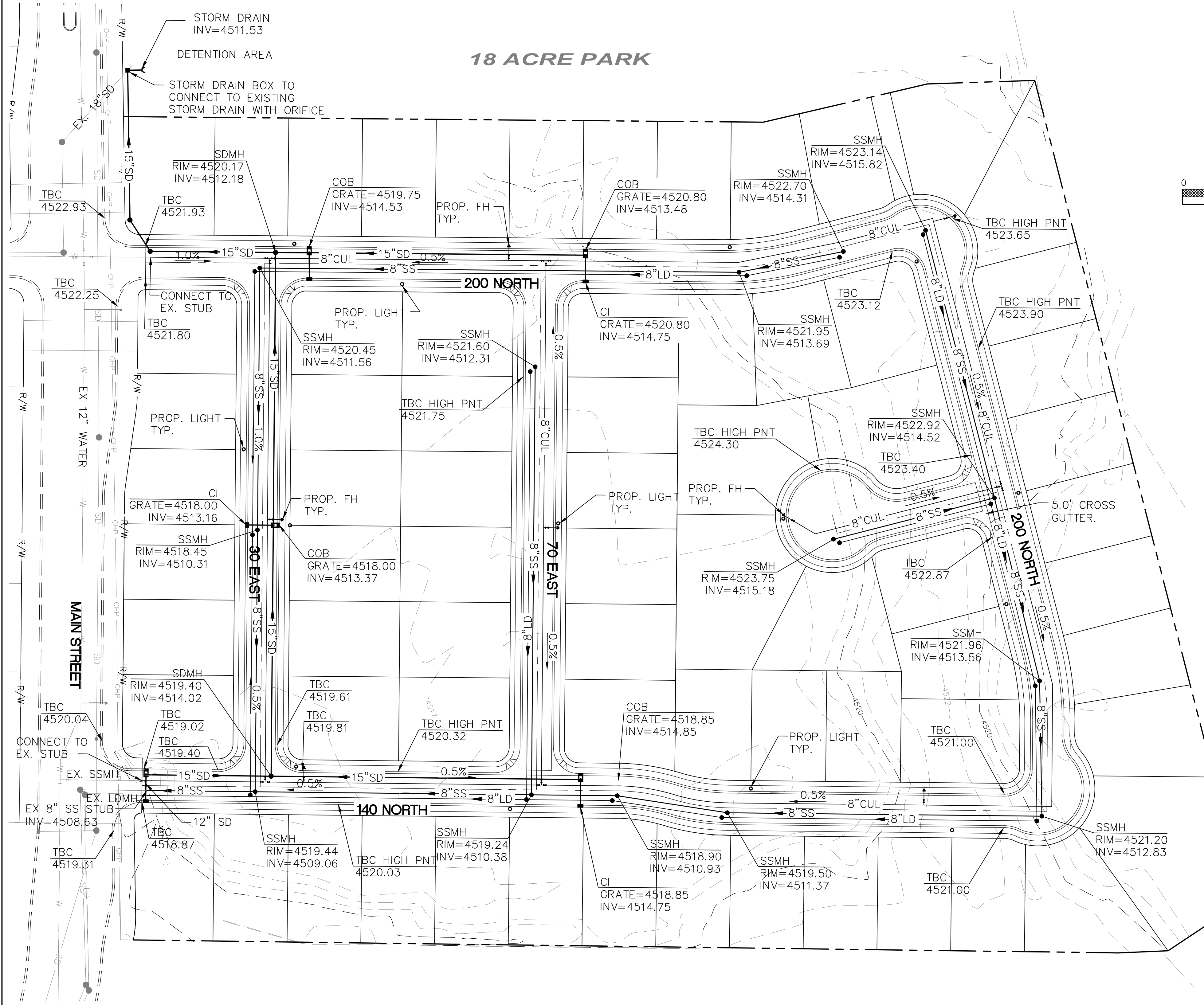
VINEYARD, UTAH

WATERS EDGE
PHASE 2

OVERALL PRELIMINARY PLAT

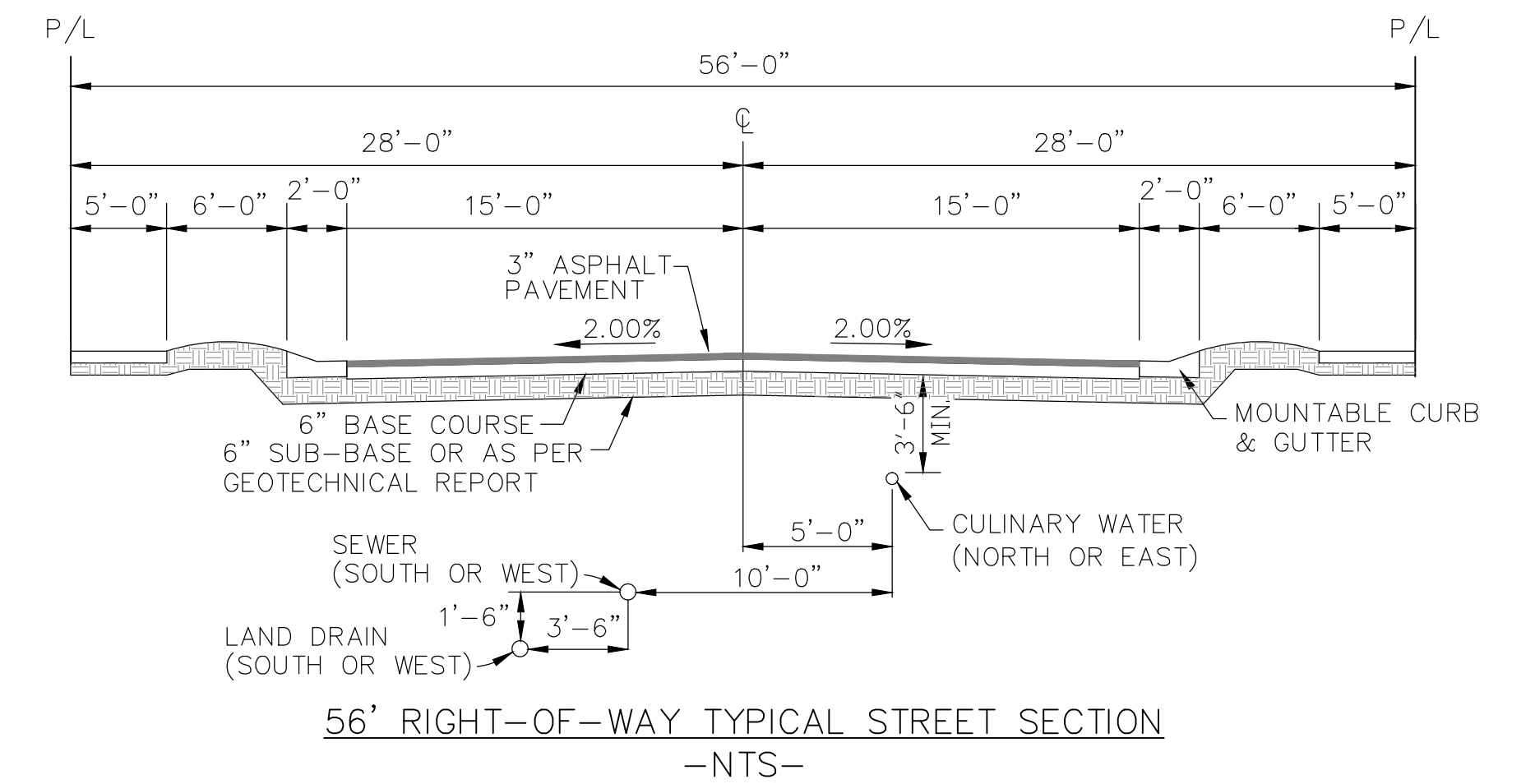
JOB
GIFFORD
SHEET NO.
1 OF 2

WATERS EDGE
PHASE 2
VINEYARD, UTAH



VICINITY MAP

NTS



REVISIONS			
NO.	DATE	DESCRIPTION	BY
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2			CHECK BY: TGT
3			DATE: 5/12/2015
4			CGDD FILE:

J:\GFFORD\VINEYARD NORTH\DWG\PHASE2\PH2 PRELIMINARY GRADING New

TRANE ENGINEERING, P.C.
CONSULTING ENGINEERS AND LAND SURVEYORS
27 EAST MAIN LEHI, UTAH 84043 (801) 768-4544

VINEYARD, UTAH

WATERS EDGE
PHASE 2

PRELIMINARY UTILITY/GRADING

JOB
GIFFORD
SHEET NO.
OF 2



Community Development

SUBJECT: Preliminary Plat for Phase 2 of the Water's Edge Subdivision

MEETING DATE: June 10, 2015

TO: Town Council

FROM: Nathan Crane, Town Planner

REQUEST: Preliminary Plat Approval for Phase 2 of the Water's Edge Subdivision

PARCEL SIZE: 20.09 acres

LOCATION: Center Street and New Vineyard Road

APPLICANT: Peter Evans

OWNER: Flagship Homes

BACKGROUND:

The property is designated as Low Density Residential (1-2.5 du/ac) on the General Plan Land Use Map. The property is zoned WatersEdge Zoning District. The WatersEdge Zoning District was approved in June of 2014. This request includes the following planning areas B5, B6, and B7.

An amendment to change the lot depth requirements is being considered as a separate agenda item.

Preliminary plat approval is an administrative process.

SUMMARY OF REQUEST:

1. The proposed preliminary plat includes 70 lots as follows:

Approved Zoning			Proposed Preliminary Plat	
Planning Area	# of Lots	Min. Lot Size	# of Lots	Min. Lot Size
B10	70	8,000 sqft	70	8,000 sqft

2. The planning area was approved with an 18 acre city park. The planning area includes the 18 acre city park.

3. Vehicle and utility access to the site is provided from Main Street which is under construction. All roads within the project are public.
4. The project will be developed in phases. Each phase will require separate final plat approval.

CITIZEN PARTICIPATION:

Public notifications and public hearings are not required for preliminary or final plat applications.

ANALYSIS:

- The preliminary plat is consistent with the approved WatersEdge Zoning District. This includes the number and size of lots, circulation system, open space, and amenities.
- House products for this subdivision have not been submitted yet. They will be approved by staff sometime in the future. All house products will comply with the architectural standards in the WatersEdge Zoning District.
- All roads will comply with the Town's standard cross section.
- The perimeter theme wall will be a six-foot concrete wall and will be located along Main Street and the 18 acre park. A six foot clear view fence will be located adjacent to the other open space areas.

FINDINGS:

With the proposed stipulations, the proposed plat meets the following findings:

- It is in conformance with the General Plan, Zoning Ordinance, WatersEdge Zoning District, and Subdivision Regulations.

PLANNING COMMISSION ACTION:

The Planning Commission held a public meeting on June 3, 2015 and recommend **APPROVAL** of the preliminary plat subject to the following stipulations:

1. The final plat shall conform to the preliminary plat dated stamped May 22, 2015 except as modified by these stipulations.
2. Prior to final plat approval, the street names and addressing shall be approved by the Town Engineer and Town Planner.
3. All street right of way and improvements shall be dedicated as required by the Town Engineer.
4. The final plat and final landscape plans shall be revised as determined by the Town Engineer

and Town Planner.

5. The final plat shall not be recorded until the construction of the Main Street is completed.
6. A concrete theme wall be installed on the rear lot line of the lots abutting the park.

RECOMMENDATION:

The Town Council should approve the preliminary plat subject to the six stipulations recommended by the Planning Commission.

PROPOSED MOTION:

I move that the Town Council accept the findings and **APPROVE** of the preliminary plat subject to the six stipulations recommended by the Planning Commission.

ATTACHMENTS:

Exhibit A – Preliminary Plat and Landscape Plan

Exhibit B – Master Lot Layout

Exhibit C – Approved Master Plan